

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1911, to fill vacancies:

Edgar B. Larimer, and  
Alfred W. Johnson.

Medical Inspector James D. Gatewood to be a medical director in the Navy from the 11th day of July, 1911, to fill a vacancy.

Lieut. John J. Hyland to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. Franck T. Evans to be a lieutenant commander in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Roy L. Lowman to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Lieut. (Junior Grade) Eldred B. Armstrong to be a lieutenant in the Navy from the 1st day of July, 1911, to fill a vacancy.

Asst. Paymaster Maj. C. Shirley, with the rank of ensign, be an assistant paymaster in the Navy with the rank of lieutenant (junior grade) from the 30th day of July, 1911.

#### POSTMASTERS.

##### NEW YORK.

Frederick W. Wenzel to be postmaster at Newburgh, N. Y., in place of Hiram B. Odell, resigned.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate August 5, 1911.*

##### DEPUTY WARDEN, ALASKA SERVICE.

Fred H. Grey to be deputy warden, Alaska Service, Division of Alaska Fisheries, in the Bureau of Fisheries.

##### REGISTER OF LAND OFFICE.

Lawrence N. Houston to be register of the land office at Guthrie, Okla.

##### PROMOTIONS IN THE NAVY.

Capt. Alfred Reynolds to be a rear admiral.

The following-named lieutenant commanders to be commanders:

Waldo Evans,  
Thomas J. Senn,  
Bion B. Bierer,  
Charles F. Preston,  
Richard H. Leigh,  
Adelbert Althouse, and  
Luke McNamee.

The following-named lieutenants to be lieutenant commanders:

Edgar B. Larimer, and  
Alfred W. Johnson.

Medical Inspector James D. Gatewood to be a medical director.

Lieut. John J. Hyland to be a lieutenant commander.

Lieut. Franck T. Evans to be a lieutenant commander.

Lieut. (Junior Grade) Roy L. Lowman to be a lieutenant.

Lieut. (Junior Grade) Eldred B. Armstrong to be a lieutenant.

Asst. Paymaster (Junior Grade) Maj. C. Shirley, with the rank of ensign, to be an assistant paymaster.

#### POSTMASTERS.

##### INDIANA.

William R. Zion, Knightstown.

##### IOWA.

John E. Deitrick, Afton.

##### MICHIGAN.

Allison I. Miller, Fremont.

Walter H. Witt, Brown City.

##### MINNESOTA.

Jennie M. Gordon, Brown Valley.

W. D. Jubert, Litchfield.

##### MISSOURI.

Grant Stipp, Downing.

Edward H. Waymeyer, Van Buren.

##### NEW JERSEY.

George H. S. Rowe, Ridgefield.

##### NEW YORK.

Charles A. Post, Farmingdale.

Frederick W. Wenzel, Newburgh.

##### OKLAHOMA.

Lee K. Spencer, Vian.

##### TEXAS.

Jules E. Muchert, Sherman.

#### INJUNCTION OF SECRECY REMOVED.

AUGUST 5, 1911.

The Senate removed the injunction of secrecy from the arbitration treaties with France and Great Britain.

A convention between the United States and Nicaragua concerning a loan which Nicaragua contemplates making with citizens of the United States.

A convention between the United States and the Republic of Honduras concerning a loan which the Republic contemplates making with citizens of the United States.

#### HOUSE OF REPRESENTATIVES.

SATURDAY, August 5, 1911.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven help us once more to dedicate all that is truest, purest, noblest, best in us to Thee in a faithful and conscientious service to our fellow men, that we may prove ourselves worthy of the dignity Thou hast bestowed upon us as rational beings, gifted with the power of choice, for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### CALL OF THE HOUSE.

Mr. BELL of Georgia. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Georgia makes the point of no quorum. Evidently no quorum is present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Gillett	Levy	Roberts, Mass.
Anderson, Ohio	Glass	Lindsay	Rucker, Colo.
Andrus	Gordon	Linthicum	Saunders
Ayres	Gudger	Littleton	Sells
Bartlett	Guernsey	Loud	Small
Bates	Hamill	Loudenslager	Smith, Saml. W.
Beall, Tex.	Hartman	McCreary	Smith, N. Y.
Bingham	Hawley	McGillcuddy	Stack
Boehne	Hayes	McGuire, Okla.	Stanley
Brantley	Henry, Conn.	McHenry	Stephens, Tex.
Broussard	Hobson	McKenzie	Sterling
Burke, Pa.	Holland	McKinley	Stevens, Minn.
Byrns, Tenn.	Howell	Maher	Sulloway
Calder	Hughes, N. J.	Martin, S. Dak.	Sulzer
Cantrill	Hughes, W. Va.	Matthews	Talbott, Md.
Cary	Jackson	Moon, Pa.	Taylor, Ohio
Covington	Johnson, S. C.	Moore, Pa.	Thayer
Cravens	Jones	Mott	Tuttle
Curley	Kahn	Murdock	Utter
Danforth	Kent	Needham	Volstead
Difenderfer	Kitchin	Palmer	Vreeland
Donohoe	Konig	Parran	Warburton
Draper	Lafean	Patten, N. Y.	Webb
Driscoll, D. A.	Lafferty	Plumley	Whitacre
Dupre	Langham	Powers	Wilson, N. Y.
Fields	Langley	Pujo	Wood, N. J.
Focht	Latta	Rainey	Young, Mich.
Fornes	Lee, Pa.	Ransdell, La.	Young, Tex.
Francis	Legare	Redfield	
Gardner, Mass.	Lever	Riordan	

The SPEAKER. Two hundred and sixty-eight Members are present—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were reopened.

#### ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 2983. An act for the apportionment of Representatives in Congress among the several States under the Thirteenth Census.

#### JOINT RESOLUTION PRESENTED TO PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following House joint resolution:

H. J. Res. 130. Joint resolution making appropriations for certain expenses of the Senate and House of Representatives incident to the first session of the Sixty-second Congress, and for other purposes.

## PORTRAIT OF FORMER SECRETARY OF STATE HAY.

Mr. HAMLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the consideration of House resolution 246.

Mr. HAMLIN. Mr. Speaker, I would like to ask how much time is left for general debate?

The SPEAKER. The gentleman from Missouri has 25 minutes remaining and the gentleman from Connecticut 33 minutes.

Mr. HAMLIN. Mr. Speaker, this is a matter of considerable importance, and I would like to submit a request for unanimous consent that the time for general debate be extended 30 minutes on each side.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the order adopted yesterday be so changed as to extend the general debate for one hour.

Mr. HAMLIN. One-half to be controlled by myself and one-half by the gentleman from Connecticut [Mr. TILSON].

The SPEAKER. One half to be controlled by the gentleman from Missouri and the other half by the gentleman from Connecticut. Is there objection?

Mr. EDWARDS. Mr. Speaker, reserving the right to object, what is the reason the gentleman wants this extension?

Mr. HAMLIN. It is a matter of considerable importance. We originally asked for two hours on each side and felt that we ought to have had it, but the committee cut us down to an hour and a half.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. SHARP. That does not affect the extra half hour for consideration of the matter under the five-minute rule?

Mr. HAMLIN. This does not affect that at all. Mr. Speaker, I yield 20 minutes to the gentleman from Minnesota [Mr. DAVIS], my colleague on the committee.

Mr. DAVIS of Minnesota. Mr. Speaker, I very much regret that the consideration of this report and resolution was taken up yesterday, for during most of the time of the discussion my presence was imperatively demanded elsewhere. Again, I had no intimation that this matter was to be taken up until some time during next week. Therefore I am somewhat at a loss in attempting to consider much that was then said by those who engaged in the discussion. Some criticism I desire to make concerning statements that were made yesterday by the gentleman from Michigan [Mr. WEDEMAYER]. I may, perhaps, hereafter extend my remarks to include all of the statements he made touching myself, including certain statements contained in the minority report, which he took a prominent part in making. For the present I will content myself with the general statement, that in several places in his remarks he alludes to me in a somewhat caustic and invidious manner as being "wholly of one mind" with the other two Democrats on the committee [laughter]—with the other two members. [Renewed laughter.]

I appreciate that laughter and applause, gentlemen, because I have discovered that there are some pretty good Democrats in the United States, and there are quite a number of them at this time in the House. [Applause on the Democratic side.]

Mr. MANN. Remember he said, "some."

Mr. DAVIS of Minnesota. And I believe that the two Democrats with whom I am associated on this "small subcommittee," so termed, are honorable gentlemen, honest in what they undertook to do, and did thorough, conscientious work. [Applause on the Democratic side.] The gentleman from Michigan, on page 3240 of the RECORD, says:

In the absence of the gentleman from Connecticut [Mr. TILSON], owing to illness, and because of the fact that the gentleman from Minnesota [Mr. DAVIS] agreed with the gentleman from Missouri [Mr. HAMLIN], I was the only Representative left upon the committee to protect the administration and the Department of State as best I knew.

The substance of that statement is repeated many times throughout the gentleman's discourse of yesterday.

Mr. Speaker, the statement that I "agreed with Mr. HAMLIN, the chairman of the committee," is repeated in substance several times by the gentleman in the course of his remarks. Also, that he seemed to consider that he was the sole Representative on the committee whose duty it was to protect the administration and the State Department.

It is true, Mr. Speaker, that after several months of careful examination of the matters involved in this report the majority of the committee, including myself, did agree with the chairman, Mr. HAMLIN. In fact, all Members who obtained the facts first handed from the witnesses as they were sworn and testified could honestly arrive at no other conclusion than we did. The difference in the political faith of Mr. HAMLIN and myself did not change the facts, and ought not to change the conclusions. I am also at a loss to comprehend the validity of

the gentleman's reason when he said, because of my agreement with Mr. HAMLIN, that he was the only Representative left to "protect the administration and the State Department." Mr. Speaker, I had supposed that this committee was for the purpose of investigating the expenditures in the State Department, but from the gentleman's statement I conclude his theory to be to protect the State Department instead of investigate it.

Mr. Speaker, the minority report which the gentleman signed, and for which I am informed he claims to be the chief author, contains, to my mind, much criticism which is wholly improper, and when directed, as this is, against his colleagues of the House and members of the same committee, very nearly approaches the realm of slander, and a careful reading of it will confirm this statement. In my judgment this minority report is of such a character, in so far as its criticism extends to the majority members, is so uncalled for and improper as to justify the exclusion of it from the records of the House.

On the contrary, the report which the majority of the committee made was couched in courteous and respectful language, and in no manner cast any slurs upon any person whomsoever.

I can not refrain from quoting further from this minority report:

The report of the majority of the committee is a weak, partisan effort to make scandal. It is an attempt to besmirch the memory of one of our greatest Secretaries of State, the late John Hay, whose shining character and unflinching fairness are in marked contrast with the report of the committee, but whose probity stands too high to be reached by partisan prejudice.

I agree with that portion of the minority report concerning the late Secretary Hay, and assert that he stands too high in the hearts and memory of the people to be besmirched by partisan prejudice and does not need any partisan prejudice in this House or elsewhere to bolster up his reputation. [Applause.]

The minority report further states:

The effort to condemn Michael without a chance to be heard is itself a scandal. It reaches the lowest depths of unfairness. It shows a biased mind which is not seeking justice. It is an assassination of character from behind.

I am very sorry that the gentleman from Michigan has that opinion of me, or any member of the majority of the committee, but am consoled by the fact, for it is a fact, that his opinion is harmless and discredits no one except himself. [Applause on the Democratic side.]

Quoting further from the gentleman's report:

In fact, we consider the report of the majority a greater reflection upon the fairness and intellectual integrity of those who made it than it is upon the honesty of those whom it condemned.

This statement but emphasizes the gentleman's desperate attempt to glorify Michael and Morrison by casting slurs at his colleagues on the committee. The parliamentary language thus used is of such a character as to warrant some befitting change in our present rules in order to escape condemnation. Referring to the gentleman's speech, this language appears:

I know of no man here investigating this matter with the sole desire to arrive at the truth and laying aside partisan consideration who can come to any other conclusion than I did, namely, that there is absolutely nothing in these charges.

This is a direct statement that we of the majority have no desire to arrive at the truth and, furthermore, that we were strong partisans. If such partisanship as the gentleman has exhibited is attributed to me, his shaft has missed its mark. Upon all fundamental Republican principles I am a partisan, but I never was and never will be a partisan to such an extent as to favor wrongdoing or in shielding public officials from misconduct in office; but am always a partisan and uncompromising in exposing graft. [Applause on the Democratic side.]

Mr. Speaker, I have served on various committees of the House for the past eight years, and during all that time, if any opprobrium has been cast upon me, it has arisen in consequence of my various attempts to dig down into and unearth graft. [Applause on the Democratic side.]

During the beginning of my service I was led to believe that these various standing investigating committees were intended to be and were among the most important standing committees of the House, but until the present Congress I was forced to conclude that they were useless, inactive, and dead, in fact. For eight years I have been a member of one of these various committees, and their only activity consisted in the holding of one meeting at the beginning of a session for the election of a clerk and the distribution of a small amount of stationery among its members. [Applause on the Democratic side.]

At the beginning of this Congress I was placed upon this investigating committee as the ranking minority member, thanks to my friend, the minority leader of the House. I do not think he put me there because I was a prejudiced partisan. I think he put me on this committee for the sole purpose that if any



Investigation of the expenditures in the Department of State should be had during this Congress I would insist upon having an honest, searching, and fair investigation, and would aid in disclosing corruption and unlawful irregularities if such existed, and that "whitewash" would constitute no component part of any report that would be made to the House thereon. [Applause on the Democratic side.]

I was not present at the first meeting of the committee, when the subcommittees were appointed, but I am informed that the gentleman from Michigan was present and acquiesced therein. Subsequently the chairman informed me of my subcommittee appointment, and consequently thereafter I have attended studiously all of the investigations pertaining to the matter contained in this report and took an active part therein, and sought to elicit the truth honestly and fairly by rigid cross-examination from all witnesses who appeared before the committee. Now, the insinuation of the gentleman from Michigan [Mr. WEDEMEYER] is, and I shall so construe it until he says to the contrary, that when I first went on that committee I was "one-minded with the gentleman from Missouri [Mr. HAMLIN]," and that I was not actuated by the "sole desire to arrive at the truth in this matter."

I will admit that after hearing the testimony, and all of it, and after thoroughly investigating and considering it for many weeks, I became convinced that there were certain irregularities in the department, and particularly the acts and doings of Mr. Michael and Mr. Morrison, that should at least receive a reprimand, and that this House and the department's attention should be called thereto. Accordingly, Mr. HAMLIN, Mr. DENT, and myself did concur and were "one-minded" in submitting to the other members of the committee our findings of fact and conclusions in the premises, and other members of the committee concurred with us, and approved of the majority report. I will say that I firmly believe that any Member of this House who is a lawyer, had he been present at and examined the witnesses produced before the committee, would have honestly and nonpartisanly come to the same conclusion. [Applause on the Democratic side.]

Mr. Speaker, it has been frequently stated on the floor of the House that we have besmirched the character of ex-Secretary Hay. This I emphatically deny. His connection with this matter was thoroughly discussed, and his thorough exoneration was conceded by all, and language was put into this report completely exonerating him, and the slightest reflection upon his honored name was carefully avoided, for your committee conscientiously believed and still believe that if any irregularity or misappropriation of funds was accomplished by or through the means of a voucher bearing his indorsement he was not a party knowingly cognizant thereof; that he never saw or handled one dollar of the sixteen hundred dollars which the committee concluded had been misappropriated by either Michael or Morrison, or both. [Applause.]

Mr. TILSON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Connecticut?

Mr. DAVIS of Minnesota. If I have time; yes.

Mr. TILSON. Nevertheless, it is a fact that these alleged irregularities occurred under the administration of the late Secretary Hay, and he was responsible for them?

Mr. DAVIS of Minnesota. Yes, sir. I suppose that is technically true, in a sense, but we had before us the present Secretary of State and his predecessor, two as great Secretaries as this Nation ever had, and from them it was gathered that in the multiplicity of business in the course of each day they sign hundreds of papers presented to them for their indorsement, and perforce are bound to trust the officers that the Government provides for the transaction of the details of the department. Again, it is a matter of common knowledge that Cabinet officers usually do and must of necessity rely upon subordinates in carrying out the numberless details of a great department like this, and especially is this true in the furnishing of statement of expenditures. Who else can they rely upon with greater security than their chief clerk, who bears such an intimate relationship to the Cabinet officer?

No, Mr. Speaker; Secretary Hay was not a party to the irregularities which we complain of on the part of Mr. Michael and Mr. Morrison. The committee knows it, and this House knows it. Yet, in defiance of the oft-repeated statement of the members of the committee that such is the case, constantly, certain Members persist that we of the committee are besmirching the character of this worthy man. [Applause on the Democratic side.]

I hope I have made it plain that the committee does not hold Secretary Hay responsible, but while on this subject I wish to call the attention of the House to a portion of the letter writ-

ten by Mr. Charles Denby, formerly the chief clerk of the State Department under Secretary Hay, now consul general to Vienna.

This letter is in response to a cablegram from Secretary Knox informing Mr. Denby of the substance of the facts elicited before the committee pertaining to this \$2,400 voucher and asking for an explanation. This letter refers to the investigation made by him under the direction of Secretary Root in 1906, which has been so frequently alluded to. Mr. Denby says:

How far the alleged irregularities in the use of the particular funds in question were within the knowledge of Secretary Hay could not be ascertained, as he died in 1905, in which year also Mr. Michael went as consul general to Calcutta. Such practices were not continued under Secretary Root, but reports were brought to my knowledge while I was chief clerk that the practice had previously existed. In view of the entire lack of reliable proof of misappropriation of funds, the inevitable unpleasant criticism of the administration of an honored man who had recently died which would result from public action, the incident was passed over and no official action thereon was taken.

Thus, Mr. Speaker, it will be seen that if any intimation was ever made as to the possible knowledge of Secretary Hay concerning these irregularities it emanates from Mr. Denby. Furthermore, Mr. Denby states, in response to telegram from Secretary Knox, as follows:

VIENNA, May 30, 1911—11 a. m.

SECRETARY STATE, Washington:

Telegram 29th received. No written report was made. Careful preliminary investigation failed to convince department that criminal charges could be sustained. My report by next mail.

DENBY.

Here, Mr. Speaker, is an official of the Government, now consul general to Vienna and who made investigations in 1906, while Mr. Root was Secretary of State, intimating that criminal charges hovered around this transaction, but from lack of reliable evidence they were not invoked. It is also apparent from the letter of Mr. Denby that the reason why no official action was taken was because of the "inevitable unpleasant criticism" which would result from public action.

The committee in their report in no manner criticizes Mr. Denby's conclusion. As to the thoroughness of this investigation some criticism could justly be made, for it does appear that one at least of the main parties to the transaction was not called upon to explain what he knew concerning it, for Mr. Rosenthal testified that he was not, and never knew that an investigation was being had.

Mr. TILSON. Mr. Speaker—

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Connecticut?

Mr. DAVIS of Minnesota. Certainly.

Mr. TILSON. I know the gentleman means to be fair, and will he not add the other reason which is put first by Mr. Denby, that in view of the entire lack of evidence—

Mr. DAVIS of Minnesota. I read both of those, my friend.

Mr. TILSON. The gentleman said the reason was that it would reflect on the administration.

Mr. DAVIS of Minnesota. I said that was stated in the letter which followed the telegram. I read the whole thing. Have kept nothing back.

Mr. TILSON. That is the condition to-day. [Applause on the Republican side.]

Mr. DAVIS of Minnesota. I think not, because the investigation was not thorough. Mr. Rosenthal was not called upon to explain the transaction, and no other evidence was given as far as the committee was able to ascertain. The main thing relied upon was Mr. Michael's letter from Calcutta, and he says that—

The voucher was to be signed by me and not by Rosenthal. If he signed the voucher instead of a receipt it is through error. There was no such purpose. If the voucher was sent to him to sign it was by inadvertence; and it seems to me unaccountable that he should have signed such a voucher if it had been sent to him.

Mr. Speaker, as the voucher referred to is one of the chief causes of all this difficulty, I desire to read it and have it inserted in the RECORD as part of my remarks. It is as follows:

(Form No. 217.)

The United States to Albert Rosenthal, Dr.

On account of the appropriation for emergencies arising in the Diplomatic and Consular Service. 1903.

Date.	Amount.	
	Dollars.	Cents.
1903.		

Dec. 17. For expenses incurred and to be paid out of the emergency fund appropriated for 1903.	\$2,450
(For portrait of Judge Day, late Secretary of State.)	

Approved.

JOHN HAY.

Received this 18th day of January, 1904, from Thomas Morrison, Chief Bureau of Accounts, and disbursing clerk, Department of State, the sum of two thousand four hundred and 50/100 dollars, in full payment of the above account.

ALBERT ROSENTHAL.

\$2,450.

(Said voucher was indorsed on the back as follows:)

(Form No. 217.)

Appropriation for Emergencies Arising in the Diplomatic and Consular Service, 1903.

(Voucher No. 228.)

Paid to Albert Rosenthal for expenses (painting).  
Amount, \$2,450.

By check on the Treasurer of the United States, No. —.  
Dated —.

Paid in cash January 18, 1904. Department of State.

Mr. Speaker, here is a voucher payable to Mr. Rosenthal, yet Morrison pays the whole amount to Mr. Michael. Why is this?

The undisputed facts concerning the origin and history of this voucher as appears from the evidence are, that shortly after Mr. Rosenthal had furnished the picture of ex-Secretary Day to the department this voucher, wholly in blank, was sent by Mr. Michael to Mr. Rosenthal in Philadelphia for his signature. He accordingly signed this blank voucher and transmitted it to Col. Michael. At or about the time of the delivery of the picture, Rosenthal was informed, so he states in his evidence, by Col. Michael that he would probably have to wait a little while for his pay until an appropriation was available out of which this picture could be paid. Mr. Rosenthal states that on or about the 22d of March, 1904, he received a check from Col. Michael for \$790 in payment for this picture, \$60 having been paid by Col. Michael to the Fischer Art Co., of Washington, D. C., for the frame.

About two years later, in 1906, Mr. Rosenthal visited the State Department concerning the painting of another picture. In the meantime Col. Michael had become consul general to Calcutta, and Mr. Denby, who is now consul general to Vienna, was the chief clerk in the State Department under Mr. Root's administration. Mr. Denby then informed Mr. Rosenthal that owing to the high price that he had charged for Secretary Day's picture he would not be employed further along that line. Mr. Rosenthal informed him that \$850 was the total sum he received for the Day picture, including the frame. Thereupon Mr. Denby showed him this voucher for \$2,450. The Root investigation, conducted by Mr. Denby, of which so much has been said, then proceeded, which resulted in the making of no written report or any official action being taken thereon, for the reasons stated by Mr. Denby in his letter and telegram. Mr. Morrison, who was the Chief of the Bureau of Accounts and disbursing clerk of the State Department, and who had held this position for many years, informed the committee that on January 16, 1904, Michael orally requested him to obtain \$2,450 from the Treasury, without informing him of the purpose for which it was to be used. Mr. Morrison obtained this money through a messenger and placed it in his safe. On the 18th of January, 1904, Morrison took this money to Col. Michael's room and delivered it to him in person, in cash, and was then informed in Mr. Michael's room that it was to pay for the painting of the picture of ex-Secretary Day. The testimony of Morrison concerning the transaction is quite conflicting, but time will not permit a review now. From the evidence it is gathered that an entry was not made on the books of this transaction for nearly two years; that the voucher was never turned over to the Auditor of the Treasury Department, which is charged with the responsibility of auditing Morrison's accounts; that this is the only transaction within the memory of Morrison that he ever drew money from the Treasury upon the oral request of anyone before a voucher was placed in his hands.

In further support of the contention that this money was ordered to be drawn from the Treasury exclusively for the payment of the Day portrait and for no other purpose, I desire to quote from the testimony of Secretary Knox. Mr. Knox, very soon after the committee began investigating the subject, also began an investigation on his own behalf. He states as follows:

I immediately instructed the Assistant Secretary of State to at once institute an investigation. The next day I inquired as to what had been discovered, and he said he had not yet received a report upon it; I then asked for Mr. Carr, and Mr. Carr came to see me. I told him I wanted to know just what the records of the department showed in respect to what Mr. Rosenthal received for the painting of that portrait, and Mr. Carr reported to me that the original entries showed that there had been \$2,450 paid for it. I said, "How can it be that a payment of \$850 should be charged on the books of the department as having been \$2,450?" I said, "I want a thorough investigation of this matter begun at once; I want the records of the department searched for every scrap of information that bears upon the subject, and if we do not get light in that way I want the chief clerk and everybody else who was connected with that transaction or in the service at the time that it occurred who might likely know anything about it questioned upon the subject, no matter where they were."

I want to state right here that the Denby letter and telegram were the result of this investigation. Mr. Knox further informed the committee that this portrait was paid for out of the emergency fund, at least so he was informed by the officers of the department. And your committee respectfully report that

this payment out of this fund was wholly unwarranted by law, and constituted a misappropriation. When your committee first began investigating this matter, Mr. Morrison, the proper custodian of this voucher, informed us that it was lost; that in 1906 he delivered it to Mr. Denby, and that he had never seen it since. This statement was made by Mr. Morrison on Monday, May 29, 1911.

On June 13, 1911, Mr. Morrison informed the committee that this voucher had been found—found, as he says, lying on the floor—about 4 to 6 feet from the place he sits in his office, picked up by the janitor or messenger who was there at the time. This singular circumstance is wholly unexplained, and your committee can not wholly exonerate Mr. Morrison in connection with this singular transaction, for he states that he made no inquiry whatever of the employees who had access to his office concerning this mysterious circumstance, except of the janitor who picked it up.

Col. Michael, in his letter of 1906, says that as soon as he received the money from Mr. Morrison he gave it all to Secretary Hay except \$850, which he retained for payment of the picture and frame. Bearing in mind that he had previously informed Mr. Rosenthal that he would have to wait for an appropriation available for payment of this picture, yet on January 18, 1911, he received the money from the hand of Morrison, but did not send the money until March 22, 1911, to Rosenthal, nor pay the Fischer Art Co. the \$60 for the frame until June, 1911. Upon these statements your committee believes that Mr. Michael is wholly unworthy of belief, and hence doubt his statement to the effect that he ever turned over this money to Secretary Hay; but, on the contrary, the \$1,600 was retained by him for his sole benefit or the joint benefit of himself and Morrison.

I have only cited a few instances of the conflicting and inconsistent testimony of Morrison and Michael in connection with this transaction. The testimony, as a whole, reveals much more, some of which has been more fully elucidated by the speech of the chairman yesterday.

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a question for my information?

Mr. DAVIS of Minnesota. Certainly.

Mr. LONGWORTH. I want information.

The SPEAKER. The time of the gentleman has expired.

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that the time of the gentleman may be extended.

Mr. DAVIS of Minnesota. I would like to have a little more time.

Mr. HAMLIN. Mr. Speaker, I yield five more minutes to the gentleman.

Mr. LONGWORTH. I just want to ask one question.

Mr. DAVIS of Minnesota. No; I can not yield now.

The SPEAKER. The gentleman refuses to yield.

Mr. DAVIS of Minnesota. Apparently the main circumstance relied upon to shield the parties who are guilty of these alleged irregularities is the statement in Mr. Michael's letter to the effect that he took all of this money—\$2,400—and delivered it to Secretary Hay, retaining only \$850 wherewith to pay for picture and frame. As I have said before, Mr. Michael's conduct and previous statement to Mr. Rosenthal cast such a doubt upon Mr. Michael's subsequent statement that your committee deem him unworthy of belief.

That while Michael had this money in his possession to pay Mr. Rosenthal, yet he had informed him that he would have to wait a little while until an appropriation was available out of which the picture could be paid.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Minnesota yield to the gentleman from Connecticut?

Mr. DAVIS of Minnesota. I can not yield now.

Mr. LONGWORTH. That is the precise point I desired to ask about.

Mr. DAVIS of Minnesota. He kept this money from Rosenthal for over two months, and he kept the Fischer Art Co.'s money for five months. A public official who will withhold other people's money in this manner upon plea that they must wait for further available appropriation is not worthy of belief. If he is false in one thing he is false in all. No, Mr. Speaker, our honored Secretary Hay never received or handled one cent of this money. [Applause on the Democratic side.]

It is unreasonable to suppose that even though Mr. Hay had a right to obtain \$2,400 or \$24,000 out of this fund that he would obtain it in the manner that the testimony and records disclose, place it in his pocket, his desk, or his safe, and pay it out as the teller of a bank would. It is absurd, unbusinesslike, and contrary to all precedent, and in my judgment would be repugnant to the mind of a man imbued with the lofty ideals and proprieties which we all know that Secretary Hay possessed.



Another matter, Mr. Speaker, is the receipt of Mr. Rosenthal for \$790 which is brought into this case. I can not go over the evidence surrounding it, but it is undated; no one knows where it came from; it does not bear the filing or record stamp of the department, and it is the only document which does not bear this stamp; it is false on its face because it states that Mr. Rosenthal received the money on the 18th of January, 1904, while in truth and in fact he did not receive Michael's check until March 22, 1904. Everywhere you turn or examine the evidence of those who ought to know the truth concerning this entire matter you find nothing except inconsistencies, material conflicts, all showing the desire to conceal rather than make plain.

A sentimental objection has arisen upon this floor against the adoption of this report on the ground that it would be a condemnation of Michael without his being heard or having an opportunity to be heard. For many weeks his chief, Secretary Knox, has been advised of the proceedings before the committee, and he informed the committee that he had cabled Mr. Michael advising him thereof and demanding an explanation. That cablegram appears in the record and has been disclosed in the debate upon the floor. That Mr. Knox informed the committee that Mr. Michael knew nothing more or would say nothing more about the transaction than appeared in his letter to Secretary Roor in 1906. In view of Mr. Knox's statement, it would have been idle, and we might have been charged with extravagance had we sent for Mr. Michael's return and appearance before the committee. If this report is adopted, which it ought to be, the administration is not bound to act thereon until they further examine Mr. Michael. We have simply presented the facts as we have found them to be. We ask the Congress to adopt them and submit the same to the department and the administration for such action as they deem proper. Our report is not drastic; it is temperate in language and mild in its conclusions. In my judgment, the persistent effort that is being made to impress upon the Members of this House and the country that this report, if adopted, would be a reflection upon the honored name of Secretary Hay is wholly unwarranted, and I emphatically deny that such would be the case; but I am constrained to say that the persistence in such unseemly contention savors of an attempt to shield those who are guilty of irregularities in official life, as set forth in the majority report. No, Mr. Speaker, we do not doubt the honor, integrity, and uprightness of Secretary Hay, but we do doubt that these high purposes can be attributed to either Michael or Morrison. [Applause.]

The SPEAKER. The time of the gentleman from Minnesota has again expired.

Mr. HAMLIN. I ask the gentleman from Connecticut [Mr. TILSON] to use some of his time.

Mr. DAVIS of Minnesota. I desire leave to extend my remarks in the Record.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to extend his remarks in the Record. Is there objection?

There was no objection.

Mr. TILSON. Mr. Speaker, I yield 15 minutes to the gentleman from Vermont [Mr. FOSTER].

The SPEAKER. The gentleman from Vermont [Mr. FOSTER] is recognized for 15 minutes.

Mr. FOSTER of Vermont. Mr. Speaker, the conditions under which we take up the discussion of this important matter are humiliating to the membership of this House. I have been a Member of the House for nearly 11 years. During that period I have occupied the time of the House not much in excess of 11 hours; and yet, when I seek an opportunity to express my views upon the subject matter before us, involving, as it does, the guilt or innocence of two Government officials, I am told that I can have but 15 minutes. For years our friends on the other side of the Hall complained that the Committee on Rules as it was then organized was merely an instrumentality for gagging the membership of the House. It is not many months since they joined in a successful effort to reorganize that committee, in order that it might no longer be used for this purpose. And yet to-day, with our friends in absolute control in the House and in the Committee on Rules, instead of giving the Members of the House a reasonable opportunity for the discussion of the important matter before us, they adopt a resolution from the Committee on Rules limiting the debate to an hour and a half on a side.

This action is all the more reprehensible because we sit here to-day not merely in our legislative capacity, but as jurors to try two men who are charged under this resolution with embezzling \$1,000 of the Government funds. These two men have served the country in peace and war for many years, and never

before has there been a breath of suspicion against either of them. Under these circumstances we should not allow partisan prejudice or the desire for partisan advantage to influence us in the slightest degree. These men are not here to say anything in their own behalf. The fullest opportunity should be given to every Member to discuss the case, and the utmost deliberation should be had before we render our verdict. Mr. Morrison, one of these officials charged with misappropriating Government money, served the country faithfully as a soldier in the Civil War; for 44 continuous years since that period he has served the Government here in Washington. Since the time when he was made disbursing clerk on April 1, 1900, there have passed through his hands more than \$8,000,000. In addition to that, he has had charge of the administrative examination for approval and settlement of accounts aggregating more than \$18,000,000.

Mr. Michael, the other official charged with embezzling the money of the Government, enlisted in the defense of his country at the age of 16 years. He served faithfully until severely wounded in the Battle of Shiloh. He enlisted in the Navy as soon as his wounds would permit, and served with distinction until the end of the war. He, too, has served the country for years as a faithful and efficient public servant.

The gentleman from Ohio [Mr. SHERWOOD] the other day took the time of the House to show how interested the Democratic majority in this House are in the welfare of the old soldier and how anxious that majority have been to enact new pension legislation in behalf of the old soldier. But to-day we have before us a matter affecting two of these old soldiers, a matter that in importance is far above the question of an annual pension. It is a matter that involves not only their official position but their good name and all that in their declining years is most dear to them.

There is another reason why we should approach the subject dispassionately, free from partisan bias, and with an earnest desire to establish the truth. The transaction involved occurred in the Department of State. Mr. Michael is serving his country in a distant foreign land under the Department of State. The Department of State is charged with the administration of our foreign relations. It is of the highest importance that this House should do nothing to reflect unjustly upon one of our representatives abroad, for such discredit necessarily affects the standing of our foreign service. This fact should not deter us from declaring these men guilty if the evidence warrants our doing so; but it is due to ourselves that we should take no action reflecting upon this department of our Government except upon facts fully justifying our course.

I feel all the more justified in saying this because the transaction involved in this resolution occurred years ago under one of our greatest Secretaries of State. He is not here to say the one word which would either exonerate or condemn these men. His present successor, the present distinguished Secretary of State, has reorganized the entire department, has adopted approved business methods, methods which make impossible any such uncertainty as exists respecting the transaction here involved. He has given the country a wise and economical administration, and as the administrator of American diplomacy he should receive our loyal support.

What are the facts respecting this alleged misappropriation of \$1,000? In 1904 the Department of State purchased a framed picture of Mr. Day, a former Secretary of State, for the sum of \$850. It was paid out of what is known as the emergency fund. Under the statute long in force expenditures from this fund may be made by the Secretary of State upon his own voucher without any explanation as to the purpose for which the money is spent. In this instance, the then Secretary of State, Mr. John Hay, approved a voucher for \$2,450. The voucher was delivered to Mr. Michael, then chief clerk, who delivered it to the disbursing officer, Mr. Morrison, who procured the money. It is not denied that \$850 was paid in full for the picture and frame. The question is, What became of the remaining \$1,600? The only positive evidence upon the subject is the statement of Mr. Michael, who says that when he laid before Secretary Hay the matter of paying for the picture he directed that the voucher be made out for \$2,450, as he required \$1,600 of that fund, under the statute just referred to; that he took the entire \$2,450 to Secretary Hay, who received it, giving him back \$850 with which to pay for the picture. The misunderstanding respecting the transaction was caused by one of the clerks of the department in filing this voucher. He understood, apparently, that the entire sum was to go to the artist for the picture, and he put upon the voucher a filing to that effect, and filled out to the same effect the receipt which the artist had signed in blank. Because of



this voucher it is insisted that Mr. Michael must have misappropriated the balance of the \$2,450.

I insist, in the first place, that Secretary Hay, when he approved the voucher for \$2,450, knew perfectly well how much the portrait was to cost. It was he who ordered it. It was he who directed ex-Secretary Day to arrange for it and to arrange for the price. I need not tell you that under these circumstances Secretary Hay was the man to whom Mr. Day reported, and that he reported not only that he had made the arrangement for the picture, but the amount the picture was to cost. Mr. Michael says that after the picture arrived, at the suggestion of the Secretary of State, he wrote to ex-Secretary Day asking him if the picture was satisfactory and what his understanding was as to its cost, and that he handed Mr. Day's reply to Secretary Hay.

The committee reporting this resolution takes occasion to impress upon us that no reflection upon Secretary Hay is intended. I insist that when Secretary Hay approved the voucher for \$2,450 he knew perfectly well that the portrait was to cost but \$850, and that he added the additional \$1,600 because he wished to use it as he was authorized to use it under the statute to which I have already referred.

The committee criticizes the act of Secretary Hay in paying for this picture out of the emergency fund. I shall take no time in discussing whether that is a proper fund out of which to pay for such portrait. I simply say that men like Secretary Hay and Secretary Olney, men of unquestioned integrity, men with the keenest sense of official duty, paid for portraits of former Secretaries out of that fund.

Mr. DENT. May I interrupt the gentleman?

Mr. FOSTER of Vermont. Yes; for a question.

Mr. DENT. What portraits did Secretary Olney pay for out of the secret fund?

Mr. FOSTER of Vermont. He paid for one portrait out of that fund. If the gentleman denies it I can bring the proofs. There is no question about it. He paid for the portrait of former Secretary Gresham.

Mr. COOPER. Will the gentleman yield?

Mr. FOSTER of Vermont. I will yield for a question.

Mr. COOPER. I observe in the minority report, and also in the majority report, that there was a contract made in 1903 for the painting of a portrait, and that the portrait and frame was to be \$850. If the portrait was completed and the voucher sent to Mr. Rosenthal, he to have included that amount, why was it sent in blank?

Mr. FOSTER of Vermont. I am coming to that point in just a moment. This, then, is the first proposition: That Secretary Hay knew that the portrait and frame were to cost \$850. All the direct evidence before us plainly indicates this, all the circumstantial evidence before us enforces this fact, and there is not an iota of evidence tending to show the contrary. Such being the fact, it necessarily follows that Secretary Hay did not approve the voucher for \$2,450 and hand that sum over to Mr. Michael for the sole purpose of paying for the portrait. We are forced to the conclusion that Mr. Michael has stated the exact truth respecting the transaction—that the additional \$1,600 was added to the voucher because Secretary Hay desired that sum to use, as he was authorized to use it under the statute, without filing any statement as to the nature of the expenditure.

But the gentleman from Wisconsin [Mr. COOPER] and others are disturbed because Mr. Michael, before paying the artist for the portrait, sent a blank receipt for him to sign and return. This, they say, is an exceedingly suspicious circumstance. And yet these gentlemen and the other Members of the House sign receipts in blank for their salary months before it is received. This practice obtains quite generally in the departments of our Government. I have not doubt that if an examination were had it would be found that the majority of the States pay out no money until receipts signed in blank have been received. I confess it has always seemed to be a very unsatisfactory business method, and I am glad to say that the practice is not in vogue in the Department of State at the present time, and has not been during the present administration. But before condemning Mr. Michael for taking this course it seems to me that these gentlemen should cease signing blank receipts for their own salary.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FOSTER of Vermont. I dislike exceedingly to appear discourteous. I would be glad to yield. I would be glad to discuss this subject in a deliberative manner, but I am granted only 15 minutes, and under the circumstances I must decline to yield.

So Mr. Michael took a printed form, such as I hold in my hand. As you will see, it is much like an ordinary billhead on

which there is a blank for the approval of the Secretary, and beneath which is the blank receipt to be signed by the party receiving the money. Mr. Michael sent this blank voucher and receipt to the artist, Mr. Rosenthal, for his signature to the receipt. This very circumstance makes it plain that Mr. Michael intended at the time to have the voucher executed for the exact amount for which the voucher was to be drawn. If he had intended otherwise, he would not have sent the voucher to Mr. Rosenthal for his signature to the receipt. The voucher would have been made out in his own name. It would have been approved by the Secretary of State, and Mr. Michael would then have signed the receipt at the bottom. Upon the return of this voucher with the receipt signed in blank by the artist, Mr. Michael went to the Secretary of State for the necessary approval. He states that on that occasion the Secretary of State, after looking at the memorandum, directed him to add \$1,600 to the amount proposed, as he desired that amount in cash. Mr. Michael, for his own protection, should have thereupon discarded the voucher which the artist had signed in blank. He should have used a new voucher. But he did not do so. He filled out for John Hay to sign in approval the voucher for \$2,450 on this blank which the artist had signed. The Secretary of State approved the voucher. The money was drawn, and \$850 was used to pay for this portrait and the balance was delivered to Mr. Hay.

Mr. HAMLIN. Mr. Speaker—

Mr. FOSTER of Vermont. Mr. Speaker, I regret that I can not yield to the gentleman from Missouri. He has seen fit to so limit this debate that I am allowed but 15 minutes in which to express my views upon this very important matter. I desire to complete my statement. If the gentleman will secure me more time, I shall be very glad to yield to him.

The SPEAKER. The gentleman declines to yield.

Mr. FOSTER of Vermont. I desire to place my statement before the House, and then I shall be glad to yield, if my time has not expired. I feel it my duty to place on record my judgment as to the evidence before us upon which, under our oath of office, we must make decision.

In the next place, I call your attention to the fact, which seems to me conclusive, of the innocence of Mr. Morrison and Mr. Michael; that when Mr. Michael sent the artist a check for \$790 he inclosed a receipt for that amount, which the artist says he signed at that time, adding below the receipt in his own handwriting a memorandum to the effect that this sum did not include the \$60 which was the price agreed upon for the frame. Did you ever hear of a man who was planning to steal \$1,600 placing in the public files the very evidence that would convict him of the crime? Yet this is what the evidence shows Mr. Michael did. And this investigation would never have been instigated but for the fact, as the evidence shows, that a clerk in the department, to whom was handed the original voucher, approved by Secretary Hay, with the blank receipt signed by the artist, assuming that the entire \$2,450 was to be paid for the picture, filled out the blank receipt for \$2,450, thereby making it appear that the artist had received that amount from the Government for the picture. This document was then filed; but in due time when the \$790 had been paid to the artist the receipt mentioned above, signed by the artist, was filed with the original voucher, showing just what portion of the \$2,450 went for the picture and the frame.

I submit, Mr. Speaker, that under these circumstances, and with these facts before them, no jury would be justified in finding that Mr. Michael stole the \$1,600. We should not do, we should not ask our colleagues to do, that which we would ask no jury to do. If I could say that the case presented even reasonable ground for believing that Mr. Morrison and Mr. Michael are guilty as alleged, I should vote for the resolution.

But I insist that there is no evidence before us tending to show that these men who heretofore, through a long period of years, have been looked upon as honest and faithful and trustworthy public officials, turned thieves and plunderers and embezzlers all at once by converting to their own use this sum of \$1,600.

There is one other thing. In the course of his statement before the committee the Secretary of State stated that he had inaugurated an investigation of his own. That investigation has been going on and is still going on. As I have said before, this is an all-important matter. The reputations of these men are at stake. The hearings before the committee were ex parte. Mr. Morrison was called before it, but he had no man to appear in his behalf. Every man charged with a crime is entitled to have counsel. Mr. Michael is thousands of miles away. I respectfully submit, in view of the fact that Secretary Knox is investigating the case, in view of the fact that he has shown an earnest desire to establish the exact truth, in view of the



fact that this committee has not yet completed its work, that in all fairness this matter should go over until next December. No possible harm can come to anyone because of this short delay. It will enable the department to secure the presence of Mr. Michael. Such a delay will indicate to the country a determination on the part of the majority to deal fairly with these men, a determination to give them a fair opportunity to vindicate their good name. In short, such a moderate delay will aid in establishing the truth, which should be our highest purpose in this important matter.

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. MANN. Mr. Speaker, we are trying a man here to see if he is a thief and I think the jury ought to be present. I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and fifty-nine Members present—not a quorum.

Mr. HAMLIN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Akin, N. Y.	Dupre	Lafean	Ransdell, La.
Ames	Faison	Langham	Redfield
Anderson, Ohio	Fields	Langley	Reyburn
Andrus	Focht	Latta	Riordan
Ashbrook	Fornes	Lee, Ga.	Robinson
Ayres	Francis	Lee, Pa.	Rothermel
Bartholdt	Gardner, Mass.	Legare	Rucker, Colo.
Bartlett	Gillett	Lever	Saunders
Bates	Glass	Lindsay	Sells
Beall, Tex.	Goldfogle	Linthicum	Small
Bingham	Goodwin, Ark.	Littleton	Smith, N. Y.
Bradley	Gordon	Loudenslager	Smith, Tex.
Broussard	Gould	McCreary	Stack
Brown	Griest	McGillcuddy	Stanley
Burke, Pa.	Gudger	McGuire, Okla.	Sterling
Calder	Guernsey	McHenry	Sulloway
Campbell	Hamill	McKenzie	Talbott, Md.
Candler	Harrison, N. Y.	Maher	Taylor, Ala.
Cantrill	Hartman	Martin, S. Dak.	Thayer
Cary	Henry, Conn.	Matthews	Thistlewood
Clark, Fla.	Higgins	Moon, Pa.	Thomas
Collier	Hill	Moore, Pa.	Tuttle
Conry	Hobson	Murdock	Utter
Covington	Howell	Needham	Vreeland
Cravens	Hughes, N. J.	Palmer	Warburton
Curley	Hughes, W. Va.	Parran	Webb
Danforth	Johnson, S. C.	Patten, N. Y.	Whitacre
Davidson	Jones	Plumley	White
Davis, W. Va.	Kahn	Post	Wilson, N. Y.
Defenderfer	Kent	Powers	Wood, N. J.
Donohoe	Kitchin	Pujo	Woods, Iowa
Draper	Konig	Rainey	Young, Tex.

The SPEAKER. Two hundred and fifty-eight Members present—a quorum.

Mr. HAMLIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will reopen the doors, and the gentleman from Pennsylvania is recognized.

Mr. OLMSTED. Mr. Speaker, it is a fundamental rule of justice and of law dating back at least as far as the Garden of Eden that the accused shall have notice and opportunity to be heard in his own defense. When our first parents had donned their fig leaf costumes and were hidden amongst the trees of the garden and the evidence against them was overwhelming, they were not condemned without a hearing, but there went forth to Adam from the great Judge and Ruler of the Universe the verbal summons, "Where art thou?" Thereupon they came forth and put in such defense as they could. Then, and then only, was the decree in ejectment entered against them.

Mr. RUCKER of Missouri. Will the gentleman yield for a question?

Mr. OLMSTED. I can not yield in the limited time of five minutes.

Mr. RUCKER of Missouri. I want to ask if it is not—

The SPEAKER. The gentleman from Pennsylvania declines to yield.

Mr. OLMSTED. From that date until the present moment of time, Mr. Speaker, it has been considered contrary to the first great, eternal, everlasting principles of justice that any person, great or small, shall be condemned unheard. That doctrine is embedded in our Constitution. It has been declared by our courts over and over and over again. No verdict can stand against the veriest felon and upon the strongest proof, unless he be in court during the trial. No citizen can be compelled to pay even the smallest tax until he has had an oppor-

tunity to be heard, to question the fairness of the assessment. But it is proposed by the adoption of this resolution to condemn a public official thousands of miles from home, attending to his official duties in a distant land beyond the sea, who has had no hearing and has not even been communicated with by the committee or any member thereof. He does not know, perhaps, that charges have been made against him.

The gentleman from Missouri [Mr. HAMLIN], the chairman of the committee, argues that Mr. Michael should be considered as having been heard because the committee has seen his letter to Secretary Root, written in 1906, fully accounting for the \$1,600 in question and showing the money to have been in the hands of Secretary Hay. Secretary Root was satisfied with that letter, but a majority of the committee say they do not believe its contents to be true. They tell us that the committee has other evidence, from which it concludes or draws the inference that Michael or Morrison misappropriated the money. The evidence which they cite falls far short of justifying any such inference. But has Michael seen that evidence? No. Has he had an opportunity to explain it? No. Has he been heard at all? No. And yet we are asked by the adoption of this resolution to condemn, degrade, and disgrace him, and if possible deprive him of his office as well as his good reputation, dearer to him than life itself. What is the occasion for this? The Constitution makes specific provision for the impeachment of any civil official of the United States for an offense such as is here rather insinuated than charged. A motion to impeach is privileged. Any Member may rise in his place at any time and make it. Then, should the motion prevail, the accused would have an opportunity to appear, know the specific charge against him, face his accusers, examine and cross-examine witnesses, and make his defense. Why is not the constitutional method pursued? Perhaps the answer is found in the last paragraph of the committee's report, which reads:

In conclusion, in view of the statute of limitations and the difficulty of proof resulting from death and the lapse of time, your committee deem it unnecessary to make any suggestions or recommendations relative to criminal prosecution of either Michael or Morrison.

Nobody concerned has died since the investigation began. There is not now and never has been any statute of limitations to bar impeachment proceedings. So it must be because of the "difficulty of proof" that we are asked to condemn, without proof as well as without a hearing, these high officials, these gentlemen of hitherto unsullied reputations, these two Grand Army veterans. I have too much confidence in the membership of this body to assume that enough votes can be secured to perpetrate so great an injustice, so gross an outrage. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I did not expect to participate in this debate, but there is one phase of this question which I think ought to be presented to the House, which I do not believe has been, though it may have been touched upon. As has been said by a number of those who have spoken, this is not an ordinary legislative matter that comes before the House for consideration, in which we are asked to sustain or vote down the committee. We are here upon this question as a jury, and are asked to vote a verdict of guilty of criminal conduct concerning two men, citizens of the United States, and the President of the United States is asked to impose sentence upon them by dismissal.

Now, Mr. Speaker, what I desire to bring before the House is this: That so far this is a proceeding analogous to an ordinary criminal case. But no further than that, for in a trial before a jury the testimony is first produced before that jury, and then counsel sum up their arguments and the jury renders its verdict.

Now, Mr. Speaker, here are 170 pages of testimony concerning this question taken by the committee. I want to ask how many Members of this House outside of the members of this committee have read that testimony? And I assert that no Member who has not read that testimony from the beginning to the end, no matter what his opinion may be as an individual, can in good conscience vote for that resolution without first having read the testimony. [Applause on the Republican side.]

Why, Mr. Speaker, what would be thought of a criminal case where a jury rendered a verdict solely upon the argument of counsel absent when the testimony was taken, and not only absent, but who have not read the testimony? Mr. Speaker, I shall vote against this resolution, not because I believe the majority are wrong—as an individual I think, perhaps, they are right—but I have no right as a Member of this House to vote a verdict of guilty here without having read this testimony. And



I want to say, Mr. Speaker, that I have read about half of this. I think I am as diligent as the ordinary, average Member of this House, but I venture to assert that there are not one-third of the Members of this House to-day outside of the members of this committee who have read this testimony.

And, Mr. Speaker, if opportunity offers later on I shall offer an amendment to this resolution striking out the words "concurrent in and adopted," and substituting for them the words:

That this report and the testimony taken in connection therewith be transmitted to the President of the United States for such action as he may deem proper in the premises.

And that is as far as I think this House should go. [Applause on the Republican side.]

The SPEAKER. The gentleman from Connecticut.

Mr. TILSON. Mr. Speaker, has the gentleman used all his time?

The SPEAKER. The gentleman from Wisconsin has consumed four minutes and one-half.

Mr. TILSON. Mr. Speaker, I yield one minute to the gentleman from Pennsylvania [Mr. BUTLER].

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] is recognized for one minute.

Mr. BUTLER. Mr. Speaker, I know it can be truthfully said of me that I am a partisan, but I hope it can be said of me with equal truthfulness that I desire at all times to see justice done. I do not know these men, neither am I aware of all their public service. I must go to the evidence to convict them, and I am not satisfied that the evidence is sufficient.

In this one minute I propose to suggest to the House that we postpone a conclusion upon this resolution until they can be summoned and heard, and unless they can answer to our satisfaction I will vote to condemn them. Unless Mr. Michael can explain why he kept public money longer than he should have kept it, I am ready to vote to convict him according to the indictment. I suggest to the House that we ought not to be hasty, but should suspend judgment until the trial is completed in order that entire justice can be done. [Applause on the Republican side.]

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. SHARP].

The SPEAKER. The gentleman from Ohio [Mr. SHARP] is recognized for five minutes.

Mr. SHARP. Mr. Speaker, I became a little curious when I read the report of this subcommittee to know the professions or the callings which the gentlemen composing it follow in their daily lives outside the Hall of Congress. Not a little to my surprise I found in the Congressional Directory that all three of them are lawyers by profession. There are many lawyers upon this floor, and I think that nearly all of them will agree with me in the statement that if these gentlemen were trying this kind of a case before a jury, and even if they were on the side of the State for the prosecution, without a single exception every one of the three would be compelled to say, "We have got to have better evidence than this before we will even prefer an indictment before an ex parte grand jury, let alone trying them before a petit jury, to convict them upon evidence beyond a reasonable doubt." [Applause on the Republican side.]

It was said by my friend from Missouri [Mr. HAMLIN], chairman of the committee, for whom I have the very highest regard, in his speech of yesterday:

We are not asking you to brand these men as criminals. As I said before, I believe that old man Morrison is an honest man.

I will say to you, gentlemen, that if this resolution does pass, it will have the effect before the community in which they have lived all their lives, and before the people of the United States, of branding them as criminals beyond all doubt, and that, too, by the highest tribunal in the land, in a legislative sense, at least.

I am glad that this investigation has partaken of a non-partisan character to a certain extent. I am glad that one of these three gentlemen of the subcommittee sits on the other side of the House. I am more than pleased to believe that no inconsiderable number of my associates on this side of this House will vote against the adoption of this resolution. I wish very much that it could be defeated, for I am unwilling, from the knowledge I have of this testimony—and I have read considerable of it—and especially from the arguments that have been made here on both sides of the question, to vote to convict these two men.

I asked a colleague on this side of this House who intends, I believe, to vote in favor of the resolution if he would kindly read the letter sent by Mr. Michael replying to Secretary Root and then to indicate, by a word or a line, in what manner he would change it in order to make it consistent with a statement that would come from an innocent man, and he was unable to

suggest any change. I can not find anything, gentlemen, in the statement of Mr. Michael that is unreasonable or inconsistent with the truth. I can not find anything that has been contradicted here. We as lawyers and business men—men accustomed to studying human nature—rely a great deal upon the advantage which we have if we can see a man face to face and look into his eyes. Then we discern what kind of a man he is, whether he is truthful or not; and I have oftentimes said to myself, "I wish I could see face to face the man who wrote that letter; I wish I could look into his eyes"; because if I did that I could form a better judgment of the man than by merely reading his cold statement.

But here is a man who is on the other side of the earth. We have not had the opportunity to see him, to study his manners, or to cross-examine him. I know a cablegram was sent to Secretary Knox by Michael in reply to a request for information as to the disposition of the remainder of the voucher, and his reply in itself is strong corroboration to me of the fact that the man is telling the truth. I appeal to you, who know the nature of men who are untruthful, that they, as a rule, try to hedge, to qualify, to modify, or enlarge some previous statements when suspicion is directed toward them. But all Michael says is, in substance, just the same as you and I would say, desiring to tell the truth: "Why, I can not add a word to what I have already said. I told the truth."

In conclusion, I desire to say very briefly, because my time will not permit—

Mr. DENT. Will the gentleman permit me?

Mr. SHARP. I can not yield, because I have only two minutes left.

The SPEAKER. The gentleman declines to yield.

Mr. SHARP. Not only as lawyers, but as men of practical affairs, we naturally seek to know the motive governing any particular actions or conduct which are to be scrutinized or investigated, as well as to ascertain the reasons for issuing certain statements. I want to ask you in all candor, my colleagues, what motive Secretary Root would have in dismissing these charges as ill founded after examining into them, as the testimony shows he did, especially if coupled with an intimation that one of the greatest statesmen of the times, his predecessor and friend, Mr. Hay, whom both these reports and all the evidence absolve from any blame, unless the charges were, in fact, without foundation. [Applause.]

I would be pleased to vote for the resolution if the findings of the committee were limited to a censure of the unbusinesslike methods which characterized this particular transaction under investigation, and which would include a recommendation to reform such methods. To the extent that the laxness and reprehensible manner of doing business in the department under investigation has been revealed, I believe the work of the committee has been of distinct value. But that the evidence shows, with any degree of certainty, criminality upon the part of those under investigation I can not believe. Indeed, can I give a better reason for declining to vote for a resolution that will put the stain of crime upon those men than by quoting the last paragraph of the majority report of the committee, which reads as follows:

In conclusion, in view of the statutes of limitation and the difficulty of proof resulting from death and lapse of time, your committee deem it unnecessary to make any suggestion or recommendation relative to criminal prosecution of either Michael or Morrison.

If, gentlemen, this committee is unwilling to make any such recommendation because of "death and lapse of time"—both important elements entering into this case—I am certainly justified in refusing to vote, for the same reasons, in favor of recommending their dismissal from office, which, in view of these accusations, is tantamount to declaring to the world their guilt.

Mr. TILSON. I yield four and one-half minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, no man on the floor of this House has more respect for the majority members of this subcommittee than myself, and I do not believe that any Member here would intentionally do an injustice to any man in order to secure a political advantage. I want to appeal on behalf of these men, one of whom has not been given an opportunity either to appear before this committee in person or to be represented by an attorney.

Both of these men served in the Union Army. Both of them have long and honorable official careers in various departments of our Government. Both of them are men of family. Let me read a brief summary of the careers of these men:

MR. MICHAEL.

Mustered into United States Volunteer Infantry service September 21, 1861.

Honorably discharged on account of injuries sustained in battle of Shiloh October 23, 1862.



Reentered service in 1863 as master's mate in Navy.  
 Was promoted in 1864 for gallant conduct in action.  
 Honorably discharged, with thanks of the Government, in June, 1866.  
 Was connected in the Capitol as editor and compiler of Congressional Directory.  
 Stayed there until May 20, 1897, when he was appointed Chief Clerk of State Department.  
 Appointed consul general to Calcutta November 16, 1905.  
 Born in 1845, which would make him now 66 years of age.

MR. MORRISON.

Immediate family consists of his wife and four children.  
 Born in 1843, which would make him now 68 years of age.  
 Was a soldier for four years. Served all through Civil War in the Army of the Potomac.  
 Entered the service of the State Department in 1867.  
 Was employed in various capacities in State Department until April 1, 1900, when he was appointed Chief of Bureau of Accounts.  
 From April 1, 1900, to June 30, 1903, he disbursed \$1,600,000.  
 During fiscal year of 1904, which was year the portrait was purchased, he disbursed \$419,000.  
 From 1904 to 1911 he disbursed \$4,140,000.  
 Total amount disbursed from appointment, April 1, 1900, to June 30, 1911, \$6,159,000.  
 In addition, has had charge of examination of accounts amounting to \$18,000,000.  
 Has had charge of the trust funds of department, amounting to \$6,450,000.

Are you going to destroy the character of these two old honorably discharged soldiers with records of faithful and efficient public service in the departments of this Government on such testimony as this? Would it not be fairer to recommit this resolution to the committee, and give these men, especially Mr. Michael, an opportunity to be confronted with these charges, and to permit the members of this committee to look into his eyes and cross-examine him and watch his demeanor on the stand under oath?

In the trial of our worst criminals they are entitled to the benefit of a doubt. Are you going to say that these men committed the larceny of \$1,600 after half a century of faithful service and after handling millions of dollars of the public funds? Is it right, is it just, is it fair? I submit this question to the honor and the conscience of every man in this House. If you were sitting as a judge on the bench, with this testimony before you, you would not for a moment destroy the character of a fellow citizen—an old soldier—and our responsibility here as Members of this House under our oath ought to appeal to each and every one of us to weigh this testimony as though we were trying the men in a court of justice. [Applause.]

Mr. TILSON. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, in the limited time at my disposal I will only have time to go into one feature of this case. Before I do that, Mr. Speaker, I want to say that I enter upon the discussion of the question without desiring to cast any reflection upon any man or to impugn the motive of any man. I want also to say that this investigation developed some things that seem to me ought to be remedied. I do not believe that the Secretary of State ought to be permitted, out of this particular secret emergency fund, to buy portraits of ex-Secretaries or to use the money in that way. I am not satisfied with the explanation, or any of it, that has been given in regard to the finding of this voucher, and had the committee brought in some recommendation along the lines where evil has been disclosed I would only be too glad to support it.

But I want to speak, in the few moments that are given me, of the only man who has never had a hearing. Men speak of a reasonable doubt, and all that. Why, gentlemen, here is a case where you are going to condemn a man who has not been tried. Mr. Michael is on the other side of the world and to-day is ignorant, I presume, that any charge of dishonesty of any kind has been lodged against him. He has had no opportunity to meet these charges.

Mr. HAMLIN. Will the gentleman yield?

Mr. NORRIS. I can not yield; I have only five minutes. Will the gentleman yield me more time? If so, I will yield to him.

Mr. HAMLIN. No; go ahead.

Mr. NORRIS. Now, Mr. Speaker, I want to discuss it entirely on the theory of the gentleman from Missouri, the chairman of the committee. For the sake of argument, I want to assume that everything has been proven which he says has been proven. What do we have? My friend from Minnesota [Mr. DAVIS] says that the evidence discloses that this man Michael carried \$850 around in his pocket for a month. Has Michael had an opportunity to deny it? Has he had an opportunity to explain it? Does he know that that kind of a charge has been lodged against him? It is said that he did other things; and yet every one of the charges, without any exception, from the very admission of the gentleman from Missouri, has been made in Michael's absence, without his knowledge and without an opportunity to be confronted with the witnesses or to present

any evidence of any witness in his behalf. It seems to me that we are not giving fair play and justice to a fellow man, and it ought to cause us to hesitate before we condemn a man without a hearing, without a trial, upon evidence that has been offered in his absence, without his knowledge, and without giving him any opportunity to refute it.

Every man here who has been engaged in the trial of lawsuits, whether as an attorney or judge, knows that a case is often made that looks on the face of it as if it could not be disproved; and yet when the other side is heard the case is completely revolutionized and reversed.

Even if it is true that you believe that Michael had stolen the money out of the Treasury, yet you ought to give him at least the opportunity that you give the common criminal to be heard in his own defense. You have said that you do not accuse Secretary Hay. I am glad of that; I am glad to know that no one accuses him. You say it is wrong to bring any aspersions on his name because he is dead. Gentlemen, as far as this case is concerned, Michael is likewise dead. He has not had any more opportunity to be heard than Secretary Hay had. The letter of Mr. Michael is in the Record, and any man who will read it will admit that if that letter be true, then he has a good defense. Remember that letter was written before any evidence was taken by the committee. If it has been disproved, or any evidence tending to disprove it has been offered, then he should be allowed to offer any evidence he may have in explanation before we render judgment. He does not even know that any such evidence has been offered or that anyone has even disputed his letter. [Applause.]

Mr. TILSON. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this resolution proposes that two officers of the Government should be discharged on the ground that they are thieves, on the specification that they stole a particular sum of money. No other justification can be given for asking for the discharge of these two men, except that they are sneak thieves, that they filched \$1,600, not only by stealing it, but, under false pretenses, by overcoming the care of the Secretary of State and imposing upon him. Not only that they stole the money, but that they did it in a mean way.

Here is a voucher marked "approved" by the Secretary of State. While the majority of the committee say that they cast no reflections on the Secretary of State, one of two things is inevitable: Either that the Secretary of State improperly approved a voucher in blank without knowing what it was, or else the Secretary of State himself took the money and improperly or properly used it.

It is easy to say there is no reflection cast upon the Secretary of State. It is inevitable that if these men were thieves the Secretary of State approved a voucher improperly, approved a voucher to be paid out of the secret fund, when it was the special duty of the Secretary of State to guard the secret fund—not an ordinary voucher payable out of an ordinary account, but a voucher payable out of a secret fund that it has always been the duty of the Secretary of State to carefully watch in approving vouchers. In this case, if the Secretary of State marked this voucher "approved" without knowing what it was, then he was guilty of gross negligence. If he knew what it was, the gentlemen say they have no further complaint, that they do not believe that he stole the money. No one would dare say that John Hay stole the money.

Now, the proposition is that the other men stole the money—stole it—not a mistake that was made, but that there was thievery. There is a method of reaching thievery. Here is a man who is consul general of the United States at Calcutta, who was formerly chief clerk in the State Department, a civil officer of the Government, specifically named in the Constitution, so far as the consuls are concerned, for appointment by the President of the United States. There is a method of reaching him, not barred by the statute of limitations at all. The President of the United States nominates and, "by and with the advice and consent of the Senate," appoints consuls of the United States.

The President, the Vice President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

This House in the past has acted in similar cases. It is within the power of this House under the Constitution to present articles of impeachment against this consul general of the United States for misdemeanors or crimes committed by him while he was the chief clerk in the State Department. If you have evidence against him, let the case be tried in the Senate of the United States. By what right do you propose to try and condemn a man here in a case that is provided for by the Constitution for trial elsewhere? Under the Constitution we



have our functions to perform. If we believe that Michael is a thief, that he stole \$1,600 from the State Department, it is our duty on our sworn oaths to present articles of impeachment for trial before the greatest trial tribunal of the country, the Senate of the United States.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. MANN. For a short question.

Mr. LEWIS. Have we the power to present articles of impeachment and the Senate the power to try them after a man has left the office in which the alleged delinquencies occurred?

Mr. MANN. In the Forty-fifth Congress, which was a Democratic House, there were two resolutions of impeachment brought into the House against two different officials for what was claimed to be crimes committed by them in offices which they held prior to their appointment to the offices which they then held—exactly a parallel case—and while those matters were not disposed of by the House—

Mr. LEWIS. Exactly. The Senate did not determine that it had jurisdiction. [Applause on the Democratic side.]

Mr. MANN. I did not yield to the gentleman for an argument. I have only five minutes. Gentlemen on that side of the House applaud. Mr. Speaker, there are a lot of men over there who would applaud nothing, and that is what they do [laughter and applause on the Democratic side]—and still keep at it. In that case the Democratic committee of the House reported it had jurisdiction and that Congress had jurisdiction. If you want to determine whether this man can be convicted, try him in the proper tribunal. That is where we have a right to try him. We can present articles of impeachment if he is guilty of a crime.

It is easy to say that this man may have made a mistake somewhere. I do not know whether a mistake was made in reference to this voucher in some way or not. Here we have this one little thing coming before the House now. There have been three mistakes made by the officers of this House in reference to this one thing already, and I do not propose to criticize the officers of the House for that. It is so easy at times to make mistakes. The other day the gentleman from Alabama is reported in the Record to have introduced bill H. R. 12617, approving Report No. 59 of the Committee on Expenditures in the State Department. I do not know whether the gentleman from Alabama introduced such a bill or not, but you can not get it from the document room. You can not find out where it has ever been printed. You can send out, any of you, for House bill 12617, and you will not get it. Now, that was a mistake by somebody. I am not criticizing the mistake. The other day a resolution was reported into the House, now before the House, and that was not reprinted. That was mistake No. 2.

Mr. MADISON rose.

Mr. MANN. Just a moment. The gentleman from Texas [Mr. HENRY] reported in the resolution for the consideration of this measure, and what was done with it? It was taken up and considered at the time and passed by the House, and yet some gentleman connected with the administration of the House ordered printed that resolution with this statement, "which was referred to the House Calendar and ordered to be printed."

It was neither referred to the House Calendar nor was it ordered to be printed. That is mistake No. 3. If, in the consideration of one thing in the House the employees of the House, new though they be and probably excusable, make three mistakes, by what authority do we propose to condemn as a thief a man or men who have made a mistake, for aught I know complying strictly with the law, a number of years ago? Which one of these is the thief, Michael or Morrison? Are both of them thieves? Which one stole the money? Is anyone here prepared to say that if the money was stolen which one of them stole the money? And yet you propose to punish both of them as thieves. Will anyone here, does the majority of the committee, undertake to say, if the money was stolen, whether Michael or Morrison stole it? And yet you propose to say they are both thieves. [Applause on the Republican side.] Is it possible—

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. MANN. I regret, Mr. Speaker, owing to lack of time, that we propose to condemn a man as a thief without a full hearing.

Mr. JAMES. Regular order, Mr. Speaker.

Mr. TILSON. Mr. Speaker, I yield two minutes to the gentleman from Massachusetts [Mr. McCall].

Mr. McCALL. Mr. Speaker, this is not the first time that the application of the secret-service fund has been investigated by the House of Representatives. When the Department of State was under the control of as great a Secretary as any nation ever had there was a charge that there had been a

misuse of the secret-service fund, and an investigation was had by the House, controlled by the political party opposed to the administration, a House in which the majority was Democratic. A fair hearing was given, and it is one of the dramatic incidents of history that the vindication of Daniel Webster, the greatest champion of the Union, bore upon it the name of Jefferson Davis, who was afterwards the President of the Southern Confederacy. [Applause.] Now, I would commend to gentlemen upon the other side to imitate that distinguished example. The record in war of one of these men has been alluded to. That gives him no immunity to commit a crime; but I know of no nation so barbarous, no government—be it an empire or a republic—where the fact that a citizen has shed his blood in its defense upon the field of battle does not justify him in claiming a fair hearing. [Applause on the Republican side.] Michael has not been heard. This voucher bears the name of John Hay, who was not a weakling, and a strong presumption must go with that. Then, when the incident was still fresh an investigation was held by the then Secretary of State, ELIHU ROOR, a great lawyer, and he found that there was nothing in these charges. I submit to this Democratic House of Representatives to-day it will be little to its credit under those circumstances to brand as guilty this man, who has had no opportunity whatever to be heard. [Applause on the Republican side.]

Mr. TILSON. Mr. Speaker, may I inquire how much time is left to this side?

The SPEAKER. Eight and a half minutes.

Mr. TILSON. Mr. Speaker, in view of the very short time which is left to me, and not wishing to be discourteous to any Member, I ask, Mr. Speaker, that I may not be interrupted during the few minutes that I shall occupy the floor.

Disguise it as we may, we can not conceal or get away from the fact that this is not an ordinary legislative proceeding in this House. It is analogous to or partakes of many of the elements of a criminal trial. It is a jury trial in which we as Members of this House are the jurors. The accused in this case are Michael and Morrison, two men advanced in years, both of them men who have served their country in both civil and military life, both men of good reputation, and men who are entitled to be fairly heard. The charge is embezzlement. That is all there is to it; you can not get away from it. It is a charge of embezzlement, and if this resolution is passed, so far as this House—the greatest legislative body in the world—can brand a man, these two men are branded as embezzlers. This resolution asks the President of the United States to remove these two men from office. For what?

For the misappropriation of funds, for the stealing of \$1,600. That is what it comes down to and that will be the verdict of this jury in case this resolution should pass in its present form. We can not get away from that, and at the risk of repetition I desire to state another thing we can not get away from, and that is the fact that we are condemning one of these men unheard. We are told that we have a letter of Col. Michael here and that he has cabled from Calcutta that he can not add to it, therefore he has been heard. What would you say of such reasoning and deductions as that in a criminal trial?

A number of references are made to Michael in the testimony of witnesses called by the subcommittee. The artist, Mr. Rosenthal, refers to him in a number of cases, and especially in regard to the time he received the money for the portrait. If anyone wishes to see an example of evidence that is vague and indefinite, I call your attention to the testimony which Mr. Rosenthal gave as to the time in which he delivered this picture and as to the time that he received his pay. Here is a sample from the hearings:

The CHAIRMAN. Are you prepared to state about the date you received your pay for the Day portrait?

Mr. ROSENTHAL. Well, the only recollection I have is what the Real Estate Trust Co. informed me, that my deposit slip was March 22, 1904, as I believe I wrote you—an item of \$790 by a check from Washington; that is the only recollection I have of any check from Washington about that time, and it must have covered that portrait.

The CHAIRMAN. That was on March 22, 1904?

Mr. ROSENTHAL. That was the time I made the deposit.

The CHAIRMAN. Now, what is your judgment about the time you received that check?

Mr. ROSENTHAL. It must have been about that time. As to the date of the picture, I do not recall when I delivered that. Of course, it is a long time ago, and all I do recall is that at the time the picture was delivered I probably had to wait a little while until an appropriation was available out of which this picture could be paid; some such statement was made, I recall.

The CHAIRMAN. Who made a statement like that to you?

Mr. ROSENTHAL. The chief clerk.

The CHAIRMAN. Did you receive pay for the picture at about the time you signed the voucher?

Mr. ROSENTHAL. That I do not recall; I do not recall when I signed the voucher or the date of it.



The CHAIRMAN. I am not speaking about the date of it, but the circumstance—

Mr. ROSENTHAL (interposing). I think there must have been some time elapsing, because this explanation would not have been given if I had gotten my check at once.

The CHAIRMAN. You undoubtedly did not get the check at the time you signed the voucher?

Mr. ROSENTHAL. It could not have been possible.

The CHAIRMAN. Do you remember the date that voucher bears?

Mr. ROSENTHAL. I have not the slightest idea.

The CHAIRMAN. The record shows it bears the date of January 18, 1904.

Mr. ROSENTHAL. Yes.

The CHAIRMAN. You did not get your money on that date?

Mr. ROSENTHAL. I could not have possibly gotten it then.

The CHAIRMAN. I hand witness paper now marked Exhibit No. 2, and I will ask you if you have ever seen that paper before?

Mr. ROSENTHAL. It looks like my writing; that is my writing; that is the way I usually put on a postscript.

The CHAIRMAN. Do you have any recollection as to the time you signed that paper?

Mr. ROSENTHAL. No.

The CHAIRMAN. Perhaps I had better read it into the record. I will ask you whether you have any recollection of signing, or did you sign, a paper which reads as follows:

"Received on the 18th day of January, 1904, the sum of \$790 for a portrait of Judge Day, late Secretary of State, for the Department of State. Albert Rosenthal."

Mr. ROSENTHAL. That is evidently signed by me and that is my writing underneath.

The CHAIRMAN. The writing underneath referred to by the witness is as follows:

"This does not include the frame, for which Mr. Fischer received directly from the department \$60. A. R."

Do you remember the date?

Mr. ROSENTHAL. No; I have not the slightest idea.

The CHAIRMAN. Have you any recollection of the circumstance of signing this paper at all?

Mr. ROSENTHAL. No recollection at all, except that I only felt there must be some such receipt in the hands of somebody.

The CHAIRMAN. Do you not have any recollection whatever whether you signed this in Washington, in Philadelphia, or elsewhere?

Mr. ROSENTHAL. I have not the slightest recollection of where I signed that; I should judge that I must have shipped that from Philadelphia. I would not be surprised if that might have been sent back with the voucher.

The CHAIRMAN. Sent back with the voucher?

Mr. ROSENTHAL. I do not know that.

The CHAIRMAN. Would you have signed that kind of a paper before you received your money?

Mr. ROSENTHAL. Very unlikely.

The CHAIRMAN. It is very unlikely you would have done it?

Mr. ROSENTHAL. Very unlikely.

This is the evidence by which the subcommittee seeks to establish two very important points: First, that Michael wrongfully retained the sum of \$790 for two months; and second, that, although he had the money in his possession, he lied to Rosenthal about waiting till an appropriation was available. Can any fair-minded person determine from the hearings just when it was that Rosenthal delivered the portrait or received his pay for it, or when it was Michael made the statement as to the appropriation? The hearings leave all these questions in a fog, and yet they are the chief points upon which the majority of the committee have relied to convict Michael of falsehood and embezzlement. Should he not be confronted with this evidence and given an opportunity to explain before we pronounce judgment? There is testimony to the effect that sums of money were often kept on hand to pay small bills. Michael might easily explain the entire transaction to the satisfaction of all. Why should we condemn him without giving him an opportunity to do so?

This is not a party question. It is not a question of party policy. I am glad that it is not, and it would be passing strange if this broad aisle that separates the two sides of this House should also be found to separate us in our judgment upon questions of law and evidence when presented to us for our consideration. I am glad to be informed by many on that side of the House that it is not so to divide us to-day. I do not blame the members of any party for acting together on matters of party policy. They must do so if they expect to accomplish results. This, however, is not a case of party policy. It is a case of trying these two men and branding them in the eyes of the world as guilty of embezzlement.

Now, Mr. Speaker, I wish to say that I do not know either of these men, and I know nothing of their politics or their religion. They may be Republicans, Democrats, Socialists, or Prohibitionists. They may be Christians, Jews, Mohammedans, or Buddhists. I care not. They are both my fellow men and American citizens, and as such deserve fair treatment. I hold no brief for them and would not defend them here if there were substantial evidence against them; but I submit that if you will read the more than 200 pages of the evidence in this case, and then can bring your consciences to support a resolution to ask for the removal of these men, I shall be satisfied. On yesterday the gentleman from Missouri [Mr. HAMLIN] made a touching appeal to party loyalty, not to turn down the committee. My appeal is not to party or party loyalty, but to your

sober judgment and your sense of fair play. Is this resolution fair to these two men on the evidence before us?

It has always been my principle to build up rather than to tear down, to help lift up my fellow man rather than try to pull him down, and yet if there is any purpose to this resolution other than partisan purpose—and I am not going to charge that—it is to blacken the reputation of two officials who are living and the memory of one who is dead.

Those of us who are lawyers know that in the construction of evidence we are not to assume that any man tells a lie, and we should assume that every man tells the truth unless there is other and better evidence that necessarily conflicts. In this case we have the letter of Michael, and I would ask the attention of every Member of this House to that letter, which is in the hearings and also in the CONGRESSIONAL RECORD of this morning, and if you find anything in that letter necessarily inconsistent with any other evidence in the hearings or with the innocence of Michael, then I can make no further plea to you.

You will bear in mind that the \$2,450 was drawn out of the Treasury, according to the testimony of Michael, which is not disputed, upon a voucher made up after consultation with Mr. Hay, approved by Mr. Hay, and presented to Morrison, the disbursing clerk. At that time the voucher contained nothing but the name of Rosenthal. After the money had been drawn and the voucher had passed out of the hands of Michael there was indorsed upon it that it was for the picture and frame of ex-Secretary of State Day. This was done by a clerk. Under the law, the Secretary had the right to take the money and use it for purposes for which that fund was provided, and for which an appropriation is made every year, without any voucher whatsoever. Michael says that he inadvertently sent the voucher to Rosenthal and that Rosenthal inadvertently signed it and sent it back.

It should not have been sent to or signed by him. A receipt was taken from Rosenthal, signed by him, showing that he received the true amount, namely, \$790, for the picture, and that \$60 was to be paid for the frame. I submit if Michael had intended to steal the \$1,600 he would not have put into the file a receipt showing that the whole \$2,450 was not paid for the picture and frame. Michael says he retained \$850 to pay for the portrait and frame and paid over the \$1,600 to Mr. Hay. There is not a scintilla of evidence to contradict this statement. Mr. Hay had the right under the law to expend it without a voucher. Have we a right to assume, without evidence, that he did not do this? Under the long-continued practice of the department, the portrait of former Secretary Day could be legally paid for out of this fund. It was so paid, as shown by the Rosenthal receipt. This accounts for the entire \$2,450. Where is the evidence of any misappropriation? Yet the majority of the committee assume misappropriation from lack of evidence and ask us to find these two men guilty of it. It will be an outrage upon justice if we do it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. TILSON. Mr. Speaker, I ask that all gentlemen who have spoken on this matter may be allowed to extend their remarks in the RECORD for five legislative days.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that all gentlemen who have spoken or may speak on this resolution shall have five legislative days in which to extend their remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I shall not object if it is understood that gentlemen are not going to print in the RECORD the entire proceedings contained in the record of the committee maybe half a dozen times in connection with their remarks. I do not know how long their hearings are.

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I would like to couple with that request a request to print in the RECORD the majority report. The minority views were printed in this morning's RECORD, and I think the majority report ought to go into the RECORD also.

The SPEAKER. The gentleman from Missouri [Mr. HAMLIN] couples with the request of the gentleman from Connecticut a request that he have the right to print the majority views in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Following is the majority report referred to:

PORTRAIT AND FRAME OF FORMER SECRETARY OF STATE WILLIAM R. DAY.

Mr. DENT, from the Committee on Expenditures in the State Department, submitted the following report, to accompany House resolution 103.

Your committee, under House resolution No. 103 adopted at the present session of Congress, having had under consideration the conduct and expenditures of the Department of State, beg leave at this time to submit a partial report relating exclusively to the payment for the portrait



and frame for the portrait of former Secretary of State William R. Day, now an Associate Justice of the Supreme Court of the United States.

Your committee find that ex-Secretary, now Associate Justice, Day, at the request of the State Department, agreed with one Albert Rosenthal, of Philadelphia, Pa., for the painting of his portrait as ex-Secretary of State, to be placed in the State Department with other portraits of a similar kind; that the agreed price, including the frame, was \$850.

Your committee further find and report that after the portrait was painted and the frame purchased they were accepted by and delivered to the State Department; that in receiving payment for the portrait the said Rosenthal dealt exclusively with W. H. Michael, then chief clerk in the State Department; that at the request of the said Michael the said Rosenthal signed a blank voucher which he delivered to the said Michael, either personally or through the mail, his recollection being that it was by the latter method; that subsequently, about two months later, the said Rosenthal received from the said Michael his, the latter's, individual check for \$790, that being the sum due the said Rosenthal, the balance of said sum of \$850, to wit, \$60, being the price paid for the frame to the Fisher Art Co., of Washington, D. C.

It is the opinion of your committee that the practice of signing vouchers in blank is not only unbusinesslike and inexcusable, but amounts to a virtual invitation to wrongdoing, and such practice can not be too strongly condemned.

Your committee further find and report that about two years after the transaction thus above detailed, to wit, in 1906, the said Rosenthal was interviewed by the State Department relative to the painting of another portrait for that department; that then and there he was informed that while his work was satisfactory his price was too high. Whereupon the said Rosenthal was shown the voucher signed about two years previously in blank, and said voucher appearing solely to be for the portrait and frame of portrait of ex-Secretary Day, disclosed that the sum of \$2,450 had been paid for the same. According to the testimony before your committee this was the first information that the said Rosenthal had that the voucher represented an excess of \$1,600 over the price actually paid for the portrait.

Your committee further find and report that at the time the above voucher was signed and the money paid for the portrait, one Thomas W. Morrison was the disbursing clerk of the State Department and has remained in such position since and up to the present time.

Your committee further find and report that the said Morrison, as such disbursing clerk, on the verbal request only of the said Michael as chief clerk, drew a warrant on the Treasury Department for the sum of \$2,450, which was cashed through one of the messengers of the disbursing bureau on the 16th day of January, 1904, and the money deposited in the safe in the office of Morrison as such disbursing clerk, where it remained until the 18th day of January, 1904, when the said Morrison delivered in person to the said Michael the sum of \$2,450, taking no personal receipt, but relying alone on the said voucher signed by Rosenthal.

The committee further find that although this sum of \$2,450 was paid over to Michael by Morrison in January, 1904, Rosenthal was not actually paid by Michael until March, 1904, and the Fisher Art Co. in June, 1904.

The said Morrison testified before your committee that when he delivered the sum of \$2,450 to the said Michael he learned, either from Michael or some one in his office, that the money was to be paid for the portrait and frame of the portrait of ex-Secretary Day. At that time, according to the testimony of Morrison, there was nothing on the voucher to indicate the purpose for which this sum was to be utilized. After paying over this money to Michael and returning to his office, the said Morrison within 30 minutes caused a clerk in his office to write with pen and ink in parentheses on the voucher the following: "For the portrait of Judge Day, late Secretary of State." The said Morrison testified before your committee that he caused this memorandum on the voucher to be made for his own protection. Morrison further testified before your committee that never before nor since had, or has, he drawn money and paid out the same under similar circumstances.

Upon further investigation your committee ascertain and report that in 1906 when the matter of the above voucher was investigated by the State Department, at the time presided over by ex-Secretary (now Senator) Root, Michael, who was then and now is consul general of the United States at Calcutta, reported that he paid the money received from Morrison to Secretary of State Hay, and while he did not know, he presumed that he used the difference in relation to the emergency or secret fund authorized by section 291 of the Revised Statutes for some item or items relating to foreign affairs. At the time that Michael made this report Secretary Hay was dead.

When your committee started the investigation of this transaction a request was made for the voucher relating to the same, and it was reported to be lost.

Morrison testified during the first of this investigation that he had delivered the papers in 1906 to Mr. Denby, then chief clerk of the State Department, under Secretary Root, and that so far as he knew they had not been returned, nor had he seen them since, although he had made a careful and thorough search for the same on several occasions.

The present Secretary of State, Hon. Philander C. Knox, reported to your committee that he had ordered a thorough search to be made for these papers and had received the report that they could not be found.

The papers, including the voucher, were delivered up by Morrison on a telephone request merely. Such practice in the matter of preserving files can not be too severely condemned.

While this investigation was pending it was suddenly disclosed to your committee that the voucher had been picked up on the floor of the office of the said Disbursing Clerk Morrison within 5 or 6 feet of Morrison's desk, near the wastebasket, by one of the messengers in that bureau, and said voucher has been shown to your committee and is now in the personal possession of the Secretary of State. This was not disclosed to the committee for a week or 10 days after the voucher was so picked up. The circumstances under which this voucher was discovered, especially after the matter had been given so much publicity, are too simple for human credulity.

The conduct of the present officials of the State Department in trying to conceal and in fact in concealing from your committee, for about 10 days, the fact that the long-lost and much-sought-for voucher had been found, does not comport with an honest effort on their part to have all the facts connected with this doubtful transaction made known, and said conduct can not therefore be commended by your committee.

Your committee further ascertain and report that the only suggestion as to the proper use of the \$1,600 unaccounted for, is the fact that it was used by Secretary Hay under the authority contained in

section 291 of the Revised Statutes of the United States, which reads as follows:

"SEC. 291. \* \* \* Whenever any sum of money has been or shall be issued, from the Treasury, for the purpose of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually, with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditures as he may think it advisable not to specify and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended."

This section in substance authorizes the President to cause any sum of money that has been or shall be issued from the Treasury for the purpose of intercourse or treaty with foreign nations to be accounted for specifically if the expenditure, in his judgment, should be made public; and by making, or causing the Secretary of State to make, a certificate of the amount of such expenditure as he may think it advisable not to specify. In the latter event such certificate is deemed a sufficient voucher, without more, for the sum expended.

Under this state of facts your committee beg leave to submit the following conclusions, together with the testimony taken on the hearing, and recommend that this report lie on the table and be ordered to be printed:

First. That under the authority of section 291 neither the President nor the Secretary of State has any power to pay for portraits of ex-Secretaries of State; and the payment of \$850 for said portrait and frame out of said fund was, in the judgment of your committee, a misappropriation of said sum.

Second. That no voucher specifying the payee or the nature of the payment is required when either the President or the Secretary of State acting under the President desires to use a sum of money for the purpose of intercourse or treaty with foreign nations and deems it advisable that the same should not be disclosed to the public.

Third. That the sum of \$2,450 having been traced by your committee into one single voucher which on its face relates only to the payment for the portrait of ex-Secretary Day and bears no relation whatever to foreign affairs; and there being no information, after full investigation and opportunity to be heard, as to the expenditure of the said \$1,600, your committee feel constrained to report that the said sum has been misappropriated.

Fourth. The undisputed facts show that this sum of \$1,600 was in the possession of Morrison as disbursing clerk and Michael as chief clerk, and its disposition is unaccounted for except by the letter of Michael to the State Department in 1906 that he turned the same over to Secretary Hay, who at the time of said letter was dead.

Fifth. Your committee think it incredible that the late Secretary Hay either appropriated this \$1,600 to his own use, or that he personally and without the knowledge or assistance of some subordinate in the State Department, used the same in payment for some matter relating to intercourse or treaty with foreign nations, either of which he must have done if the said \$1,600 is to be accounted for as having been actually handled by Secretary Hay. The only intimation tending to reflect upon Secretary Hay comes from the letter of Michael, and this we do not believe, far apart from Secretary Hay's high character, he could easily have signed a voucher for this sum to be expended in foreign relations.

Sixth. The conclusion reached by your committee seems irresistible that either this sum of \$1,600 was jointly misappropriated by Michael and Morrison, or individually by Michael, either through the incompetence or the connivance of Morrison.

Seventh. That Michael, who is now holding the responsible position of consul general at Calcutta, India, and Morrison, who still holds the perhaps still more responsible position of disbursing clerk of the State Department, should long since have been removed from office, and that even now it is not too late to remove both of said officials for the good of the public service.

Your committee has not finished its labors, but in view of the fact that even an amount as small as \$1,600 is either unaccounted for, or accounted for in a most remarkable manner by officers still holding responsible positions under Federal authority, it is deemed wise that this report should now be made with the hope that the present executive authority may relieve the public service of such officials and restore confidence in those who handle the public funds and represent us in important positions abroad.

In conclusion, in view of the statute of limitations and the difficulty of proof, resulting from death and lapse of time, your committee deem it unnecessary to make any suggestion or recommendation relative to criminal prosecution of either Michael or Morrison.

Mr. HAMLIN. Mr. Speaker, I yield the balance of my time to the gentleman from Alabama [Mr. DENT].

The SPEAKER. The gentleman from Alabama [Mr. DENT] is recognized for 30 minutes.

Mr. DENT. Mr. Speaker, on the 17th day of April of this year the House passed a resolution known as House resolution 103, authorizing certain committees on expenditures in various executive departments of the Government to proceed to examine into all the affairs of said departments as fully as possible. It was expressly provided in this resolution that the investigations provided for by it should cover such period in the past as each of said committees may deem necessary. It was further provided in the resolution that these investigations might take place either before a full committee or a subcommittee duly provided for.

Now, Mr. Speaker, the Committee on Expenditures in the State Department has zealously and earnestly undertaken to discharge the responsibilities imposed upon it by the resolution to which I have just called the attention of the House. But I understand from some gentlemen here that when the committee finds something, when the committee discovers some facts, it is the opinion of those gentlemen that the committee ought to let those facts remain hidden in its own room and not bring them before this House, because otherwise we might be charged with muckraking. Why, Mr. Speaker, for what purpose was



this resolution introduced? What was the object in the minds of the membership of this House in agreeing to this resolution, if they did not expect the committees that were appointed to investigate the facts and bring the facts before the House? [Applause on the Democratic side.]

Some gentlemen seem to be afraid that this committee is reporting something that will hurt the feelings of some members of the executive department of the Government. [Applause on the Democratic side.] My conscience, Mr. Speaker! It is the very object of this investigation by these committees to investigate the different departments of the Government because we believe something is wrong. We have not had a real honest, sincere, earnest investigation of the different departments of the Government by the Congress of the United States since 1874. [Applause on the Democratic side.]

The gentleman from Minnesota [Mr. DAVIS], my colleague on the committee, told you that, in effect, to-day, when he said as a Republican member of the Committee on Expenditures in the State Department, that you had no meetings during his eight years until the Democrats came into power. [Applause on the Democratic side.]

Now I want to say, Mr. Speaker, if it is the policy on that side or on this side of the House—I do not care on which side it comes—that these investigations are simply to be made for the purpose of giving newspapers a chance to fill up their columns, then I refuse to serve on any such committee any further. [Applause on the Democratic side.] When we get facts and present them to the House it is the only body to which we can submit them, and they ought to be heard and they ought to be heard candidly and fairly.

Now, right here, before I proceed to discuss the facts, I want to say that I have heard among some Members—I regret to say on this side of the House—a sentimental suggestion that Michael has not had a hearing before this committee. They agree, and every Member who talked with me agrees, that the prima facie case, supported by the evidence and reported by the committee, makes it a case of guilt against Mr. Michael. [Applause on the Democratic side.] Not a single man who has examined this proposition questions the fact that a prima facie case is made out against him. "But," they say, "you ought to have had him before the committee, and you ought to have given him an opportunity to be heard." There are so many reasons, there are so many suggestions, in reply to this subterfuge—and it is a subterfuge—that I hardly know with which one to begin. [Applause on the Democratic side.]

In the first place, Mr. Knox, as Secretary of State, was before the committee, and his attention was called to the fact that there was a voucher purporting on its face to pay Albert Rosenthal \$2,450, when, as a matter of fact, he received only \$850. Mr. Knox called the attention of Mr. Michael to this fact by cablegram, and Mr. Michael responded to Mr. Knox, his superior officer, that he did not know anything more about this transaction than what is contained in the letter which he had written to Secretary Root when he investigated it in 1906.

Mr. TILSON. Mr. Speaker, may I interrupt the gentleman?

Mr. DENT. Just for a question.

Mr. TILSON. I know the gentleman wishes to be fair.

Mr. DENT. Oh, certainly the gentleman wishes to be fair; but I yield for a question.

Mr. TILSON. Were there not in this hearing many references to Mr. Michael reflecting upon him, which, if he were present in person or if he could read this record, he would be given an opportunity to explain? Is not that a fact?

Mr. DENT. I will answer the gentleman's question. I was coming to that. Mr. Knox informed Mr. Michael that this situation was pending before the committee, and he had an opportunity to come here, in the first place; and he could have come here if the Secretary of State wanted him to come. [Applause on the Democratic side.] On the 29th day of May Mr. Knox informed Mr. Michael by cablegram that this matter was pending and that he ought to report on it. On the 5th day of July we made our report without hearing anything from him. [Applause on the Democratic side.]

Mr. SHERLEY. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. DENT. I yield to the gentleman from Kentucky.

Mr. SHERLEY. Was there any statement sent to Mr. Michael touching the statement of Mr. Rosenthal that he had not received the money on the date that the signed voucher shows it to have been received?

Mr. DENT. I will say to the gentleman from Kentucky that all the committee could get was the report of Mr. Michael's superior officer, Mr. Knox, the Secretary of State, and he reported that he had informed Mr. Michael of this transaction

and had received in reply the statement that he had said in his letter all that he had to say.

Mr. SHERLEY. If the gentleman will permit me, I have carefully read that cablegram from Mr. Michael, but the point is whether he was informed of the particular matter to which I refer. The cablegram simply informed him of the investigation into the affair. After that there came up the very material fact, if it be a fact, that the money was not paid to Rosenthal by Michael at the time the receipt shows it to have been paid. That is a material fact in the case. Was any notice of that fact brought to the attention of Mr. Michael or any answer had from him touching it?

Mr. DENT. By the committee?

Mr. SHERLEY. By the committee, or anyone else.

Mr. DENT. I can only answer for the committee. The committee did not, but the committee informed Mr. Michael's chief of these facts, and he had the opportunity to give Mr. Michael these facts, and then he had the opportunity to answer them.

Mr. HAMLIN. Will the gentleman permit me to answer the inquiry of the gentleman from Kentucky?

Mr. DENT. I will.

Mr. HAMLIN. The testimony of Mr. Rosenthal showed that he was paid by check from Mr. Michael, and that that check was not drawn until March 22. Consequently, Mr. Michael, if present, certainly could not have disputed the record evidence of that check.

Mr. SHERLEY. Was there any explanation of it?

Mr. HAMLIN. Yes.

Mr. SHERLEY. I mean any explanation by Mr. Michael.

Mr. HAMLIN. Mr. Rosenthal said that Michael told him he would have to wait for an appropriation.

Mr. SHERLEY. Mr. Rosenthal said that, but did Mr. Michael have an opportunity to deny that?

Mr. HAMLIN. There has been no contradiction of that all along the line.

Mr. DENT. Mr. Speaker, some lawyers who defend criminals, and they have the right of defense, have expressed in this House the sentimental idea that Michael has not had a hearing. I want to ask those lawyers if they ever heard of a grand jury that was about to present an indictment inviting a defendant to come before that body and say why he should not be indicted? Who ever heard of any such procedure as that? Under the better rulings, as I understand it—

Mr. CANNON. Will the gentleman yield?

Mr. DENT. I will yield to the gentleman.

Mr. CANNON. As I understand it, the House of Representatives can not prefer an indictment, but in one sense it is in the position of a grand jury, and can on a prima facie or any other case place a man who holds public office on trial by articles of impeachment.

Mr. DENT. I am glad the gentleman from Illinois asked that question. That is the next proposition I was coming to. Under the better authority, as I read it, this Congress has the right and power to impeach Michael and Morrison. If the committee, instead of giving them an opportunity to be heard before the President, had decided to ask this Congress to impeach Michael and Morrison, does any man on that side contend that we would have had to have Michael and Morrison present before we recommended that? [Applause on the Democratic side.]

Now, Mr. Speaker, this suggestion is a fraud, this argument is a farce; it is silly, and gentlemen know it. So far as this resolution is concerned, it does not remove either Michael or Morrison from office. It takes really the best view for them that it could possibly take in recommending to the President that they ought to be dismissed.

Why, we only say, "Mr. President, here are certain facts disclosed with reference to men who are occupying public office under the Government of the United States. We say that the public service ought not to have such men, under these facts, in power. [Applause on the Democratic side.] We recommend to you these facts, and we say that under these facts these two men ought to be removed." No man on the other side of the House has ever suggested and no man on the other side of the House, if he has any respect for his ability as a lawyer, will ever suggest that the result of this report means the dismissal or removal from office of Michael or Morrison. It simply means that we present to the Executive, who has the power of appointment and the power of removal, these facts, and say, "You have these men in office, and you ought to remove them."

Now, gentlemen on that side—and, I am sorry to say, some on this side seem to agree with them—say that we are taking advantage of a man that lives over in Calcutta and that we convict him without giving him an opportunity to be heard. Why, that is convicting the President of the United States, that is



convicting those in high authority of saying that they will turn these men out without giving them a further opportunity to be heard. [Applause on the Democratic side.]

The whole purport of this resolution is simply to say to the President we have found these facts, and under these facts these men ought to be removed from office. [Applause on the Democratic side.] It does not remove them, and if the President removes them without giving them a hearing, then the President has violated the rule that the gentlemen on the other side invoked. [Applause on the Democratic side.]

Now, Mr. Speaker, I did not intend to use that much time to answer this maudlin, sentimental argument that the man who is charged here has not had his day in court.

But, Mr. Speaker, I want to go a step further. I have not the time to criticize the report of the minority, I have not the time to state that their criticism of the fact that the full instead of a subcommittee ought to have made this investigation. I will simply, in passing on this subject, state this fact, that I want my friends on the other side to listen to: This subcommittee was composed of the chairman, HAMLIN, and myself as majority members and Mr. DAVIS of Minnesota as the ranking Republican member of the committee. The Democratic side of this House did not select Mr. DAVIS to go on that committee; he was selected by the Republican organization on that side of the House. [Applause on the Democratic side.] We had nothing to do with it, and yet he subscribes to this report in toto, and he is the only member of the Republicans that was represented on that committee who was present and stood face to face and eyed the witnesses in this transaction. [Applause on the Democratic side.]

Ah, my friend from Michigan says that he did not have an opportunity to be there. I have no doubt that if he had had an opportunity to be there and cross-examine somebody this result would have been very different. But I want to say to the gentleman from Michigan that he was unfair to the chairman of this committee, he was unfair to the clerk of the committee, and he was unfair to himself, because all of those hearings were public and all he had to do was to request the chairman or the clerk to let him know when there was going to be a meeting of the committee. There was no secrecy about the hearings, and the gentleman had the fairest opportunity in the world to be present, and the chairman would have permitted him to ask any questions that he wanted to, if he thought the ranking Republican member of the committee was not representing the administration. [Applause on the Democratic side.]

Now, Mr. Speaker, I can go on and criticize the report of the minority in many other particulars, but my time has about expired.

We are accused, Mr. Speaker, of assassination—of assassinating somebody's character. I doubt if any such report has ever been filed before in Congress. We are accused of assassinating character and striking somebody from behind.

We are accused of besmirching the character of Secretary Hay, when the report expressly and unequivocally states that the committee does not believe Secretary Hay ever handled a dime of this \$1,600 that is unaccounted for; and notwithstanding the fact that the printed report on its face contradicts this charge, and notwithstanding the fact that the chairman of this committee has stood upon the floor of this House and said it was not true, gentlemen on the other side, in order to bolster up a weak case, continue to pervert the facts and misstate the record. [Applause on the Democratic side.]

I want to say, Mr. Speaker, that this committee has reported that Michael and Morrison were guilty in this transaction. The committee reported that Michael misappropriated this fund individually, or that he conjointly misappropriated it with Morrison, and that Morrison, if he were not guilty of misappropriation, through his incompetence aided Michael in misappropriating this fund. That is the proposition that the report makes. I want to state now the reasons why, and I call attention to the record in that particular—why the committee reached the conclusion as to Morrison.

In the first place, he drew his warrant on the Treasury and collected in cash \$2,450 on the mere verbal request of Michael as chief clerk. Second, he retained this cash in his possession for two days, and then delivered the same in person to Michael, taking no personal receipt and receiving only a voucher purporting to be signed by Albert Rosenthal, which voucher at that time did not contain any specific statement as to what it was for. Third, subsequently and after the payment of this sum to Michael, and after receiving the Rosenthal voucher from Michael, Morrison caused to be written on the face of the voucher that it was for the portrait of Judge Day, late Secretary of State, because as he says he was informed in Michael's office that it was for that portrait. Fourth, this voucher was

never turned over to the Auditor of the Treasury Department, which was charged with the responsibility of auditing his accounts. Fifth, when the committee began this investigation Morrison reported that this voucher was lost, and stated that he had not seen it since it had been turned over to Mr. Denby, the then chief clerk in the State Department in 1906 under Secretary Root.

Sixth. This voucher was reported to be suddenly found while this investigation was pending by a messenger on the floor of Mr. Morrison's office while Mr. Morrison was sitting at his desk, and near a wastebasket within 5 or 6 feet of his desk, the messenger stating that it was in an envelope with a rubber band around it, and that Mr. Morrison before he pulled it out said, "Why, this is the voucher they have been seeking so long." [Applause on the Democratic side.]

Seventh. This voucher was intact and unmutated in every respect, and the office had been swept every day; but not only that, the voucher was found in an office in a different building than the building in which it was when it was delivered to Mr. Denby. [Applause on the Democratic side.]

Eighth. Then we find this discrepancy between the testimony of Mr. Morrison and his man Sangston, who found this unmutated voucher near the wastebasket. Sangston said that when he found the voucher it was in a long envelope with a rubber band around it, and Morrison said that it was just folded together and did not have anything around it. [Applause on the Democratic side.] When that happened in the committee, and I asked him the question about it, some of the newspaper boys around there laughed, and then he changed his testimony and said he did not know whether it had an envelope and a rubber band around it or not. [Applause on the Democratic side.]

Ninth. According to Mr. Morrison's own testimony this item was not entered upon his books for two years after this transaction occurred.

Tenth. Then when the voucher was found there was with it a receipt about which we have heard some talk here to-day, for \$790, signed by Rosenthal, written on plain paper, but the presence of this receipt with the voucher is not even attempted to be explained, and the first time anybody ever heard of this \$790 receipt from Rosenthal was when this mysterious voucher was found in another building from the building in which it was delivered.

Mr. TILSON. Mr. Speaker, will the gentleman yield?

Mr. DENT. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. DENT. Mr. Speaker, these are the facts, and yet gentlemen of the minority call us assassins of character, with these facts in the record that are undisputed.

I want to come now to the Michael case, because I have not much time left. The undisputed facts in this case disclose that Rosenthal, the artist who painted this picture, dealt exclusively with Michael as a representative of the State Department; that he secured from Rosenthal a blank voucher for this portrait.

That he verbally requested of Morrison to collect \$2,450 and turn it over to him in cash, which he received. This sum of \$2,450 obtained by Morrison on the face of the voucher signed by Rosenthal is traced by the committee into the hands of Michael. The voucher itself purports on its face to be alone for the payment of the portrait of Judge Day. The undisputed facts disclose that the portrait and the frame cost only \$850. So that Michael is found in possession of \$1,600 which is absolutely unaccounted for except his bare statement that he turned the same over to Secretary Hay, who at the time of the statement was dead.

The majority expressly find that Secretary Hay, if he received this sum, either must have appropriated it to his own use or have expended it in matters relating to foreign affairs through his own hands and without intervention, knowledge, or assistance of any subordinate in his department. The committee expressly find that they do not believe that the money was handled by Secretary Hay at all. He is absolutely acquitted by the majority in this transaction, but notwithstanding the fact that the committee expressly acquits Secretary Hay, the minority in their views, in the face of this express acquittal, inexcusably perverts and unpardonably misstates a fact clearly apparent in the record by charging the majority with an attempt to besmirch the character of Secretary Hay after his death.

When it thus appears that the Members of the House are willing to subscribe their names to a statement of this character in the face of the clear, positive, and emphatic language of the report any other statement made in the minority report should carry little weight in every other respect.



We have said that we did not credit the statement that Secretary Hay actually handled this \$1,600, and the reason we have for our conclusions are many.

In the first place, we do not believe that he would have adopted the crude and absolutely unnecessary method of securing a voucher from a portrait painter, whose claim was only about \$800, in order to collect from the Treasury about twice that sum. That such a procedure on his part would be crude and unnecessary is apparent when we look to section 291, which authorizes the President, through the Secretary of State, to expend the so-called emergency fund relating to foreign affairs without specifically accounting for the expenditure. Under the practice in this regard the Secretary may make, at the instance of the President, at the close of each quarter a certificate that a lump sum had been expended under the appropriation for emergencies in the foreign service, and the Auditor of the Treasury is bound to accept such certificate without further specification or detail. In the next place, we know as a matter of common knowledge that Cabinet officers must necessarily rely on subordinates in carrying out the details of transactions and also in furnishing statements as to the amount of expenditures, and especially would this be true in such a relationship as the chief clerk bears to the Secretary of State. It seems absurd to assume that Secretary Hay accepted in person this \$1,600 and paid it over out of his own hands to some one in connection with the foreign service, and this without the knowledge of any subordinate in the department and without any record whatever of the transaction.

That Michael retained at least the sum of \$790 due Rosenthal from January 18 until about March 20, a period of two months, and the sum of \$60 due the Fisher Art Co. from January 18 until sometime in June is clearly established by the evidence.

Is it true the majority draws this conclusion from the fact that Rosenthal deposited the amount received by him on March 22, and the Fisher Art Co. the amount due them sometime in June. But it is unreasonable to assume that Rosenthal carried his check from Michael two months before depositing it, and that the Fisher Art Co. carried their check for five months before depositing the same. On the contrary, the presumption is otherwise, and, in addition to this, Rosenthal said that his financial condition was not such that he would have been likely to have retained this check for any unreasonable length of time before using it. During the intervening period between the time Michael got the money and the time he paid it to Rosenthal, Rosenthal testified that Michael continued to put him off with the plea that he would have to wait until an appropriation was available.

Such conduct on the part of Michael can not be said to be consistent with that of honesty.

Another fact in this connection, tending with the others to conclusively establish Michael's guilt, is the fact that he paid for the portrait by his individual check. Such is the best impression of Rosenthal, and the committee has been furnished with no Treasury warrant for such amount.

And, again, we find Michael admitting in his letter to Secretary Root, dated May 7, 1906, that the voucher was to be signed by him and not by Rosenthal, and that if the latter signed it instead of a receipt, it was through error. If error was made, it was made by Michael, as he sent the voucher to Rosenthal to be signed in blank, and turned the same over to Morrison when Morrison turned over to him the \$2,450. But a conclusive reason, it seems to me, why Michael's account of his receipt and disbursement of this \$1,600 can not possibly be accepted is the fact that the committee has been informed that it is the custom of the State Department to keep in the office of the disbursing clerk a voucher of each item of money expended under this emergency fund, although these vouchers are not disclosed to the Treasury Department. It is necessary, of course, to do this, so that the different items may be added up at the end of the quarter to enable the Secretary of State to give his certificate of the total to the Auditor of the Treasury; and we find our friends of the minority, thanks to their zeal to sustain the State Department in all its branches and among all subordinates, admitting such to be the fact by using this language, on page 4:

It is submitted that the best evidence of the honesty and care with which the fund in question is administered is that the Chief of the Bureau of Accounts, whom the committee would have dismissed in disgrace, has in every case a voucher, approved by the Secretary of State, for the moneys expended from this fund.

This being true, if the \$1,600 was legitimately expended out of this fund under section 291, there is to-day on file in the office of Mr. Morrison a voucher, approved by Secretary Hay, explaining the expenditure of this sum. It can not be said after this length of time, especially in view of the suspicion surrounding this transaction, that such a voucher is clothed

with such great secrecy that it could not be disclosed to the committee now. To have disclosed even the fact that there was a voucher for \$1,600 about this particular date on file in said office would have gone a long way to have disproven the prima facie case made out by the testimony, and certainly the production of such a voucher itself might have cleared the skirts of all concerned. This not being done, the conclusion is irresistible that Michael informed Secretary Hay that the portrait and frame cost \$2,450, and thus secured his signature, or that he requested him to sign a voucher stating that it was for this portrait, and that he would fill it out.

To summarize, Michael received the money in cash. He retained at least a part of it for two months under a false statement of fact. He paid the money finally by his own individual check, and accounts for the \$1,600 difference by saying that he had paid the same to a dead man. And all the while, if such payment had been honestly made, there would be on file in the office of the Bureau of Accounts a voucher explaining the same.

In connection with this report it may not be amiss to call attention to an act known as section 291 of the Revised Statutes of the United States, by which the President of the United States, or the Secretary of State acting under the instructions of the President, may publish or not, in their discretion, the amount of money used in matters relating to foreign affairs.

It can be readily understood that there are times and circumstances which demand that the executive authority acting through the State Department should preserve with the utmost secrecy matters relating to international affairs. But to give to the Executive through the State Department power to conceal for all time the expenditures relating to foreign affairs is contrary to the genius of our institution and the theory upon which our Republic was originally founded.

And here we call attention to section 9 of Article I of the Constitution, which provides that "no money shall be drawn from the Treasury but in consequence of the appropriation made by a law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time."

Under this section of the Constitution it seems clear that Congress itself has no authority to enact a law which would give to any department of the Government authority to expend the public money without being subject to account for the same at any time.

Perhaps Congress could authorize the expenditure to be kept a secret for a time, but to give to the Executive a right to expend money without any specific and public accountability at any time clearly violates the provision of the Constitution above cited.

It may be said that when Congress appropriates a sum of money, say, to wit, \$100,000 for expenditure in the diplomatic and foreign service, it is immaterial whether or not a statement and account of the receipt and expenditure of this sum should be made public, item by item, and that a mere statement that a lump sum out of that appropriation has been expended would, for all practical purposes, be sufficient.

The answer to this is that neither a statement nor an account would be furnished, for these words have a peculiar significance, both in ordinary language and in mercantile matters. The use of such words would be understood by the ordinary individual as well as the expert bookkeeper to mean an itemized, detailed statement or account and not a mere collected summary or lump sum.

It is well known in the law that when words have the same meaning both in ordinary parlance and among those who specially and constantly use them, any other definition of them would be absurd.

In addition to this, the legal question involved, such legislation not only paves the way for corruption but there can be no necessity for it.

Among kings and other potentates, when intrigue and deceit constituted the highest qualities of diplomacy, such a secret system of expenditure may have been a necessity. But this Government, founded upon a written constitution with express, specific, and limited power, and leading the world in the march of progress, liberty, and honesty, can not and will not tolerate such an ancient and now dishonored custom.

Under such authority Congress might appropriate \$100,000 to be used in secrecy in matters relating to intercourse or treaty with foreign nations and the whole of it could be appropriated to personal rather than public use. It will not suffice to say that no man could receive office in this country who would be guilty of such perfidy. It is sufficient, however, to say that no governmental necessity calls for the creation of any such temptation.

The SPEAKER. The time of the gentleman has expired.

Mr. HAMLIN. Mr. Speaker, I want to withdraw the substitute I offered on yesterday [applause on the Democratic side], and submit the following amendment to resolution No. 246. It is to strike out all after the word "resolved" and substitute the following—

The SPEAKER. The gentleman from Missouri withdraws the substitute offered on yesterday and offers the one which the Clerk will report.

Mr. LENROOT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LENROOT. Are we now proceeding under the five-minute rule?

The SPEAKER. We are.

Mr. MANN. Has the resolution been read?

Mr. HEFLIN. Let us have the substitute read.

Mr. MANN. I make the point of order the substitute is not in order until the resolution is read.

The SPEAKER. The Clerk will read the resolution and then read the proposed substitute.

The Clerk read as follows:

House resolution 246.

*Resolved*, That the findings contained in the report of the Committee on Expenditures in the State Department, presented to the House on the 5th day of July, 1911, and known as Report No. 59, be concurred in and adopted.

Mr. HAMLIN. Mr. Speaker, I now offer in the nature of a substitute the amendment, which I send to the Clerk's desk.

The Clerk read as follows:

*Resolved*, That the findings of fact as contained in Report No. 59 be approved and submitted to the President, with the recommendation that he take appropriate action touching the same.

[Applause on the Democratic side.]

Mr. LENROOT. Mr. Speaker, I desire to offer an amendment to the original resolution.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment—

Mr. HAMLIN. But, Mr. Speaker, a parliamentary inquiry. Have not I the floor to discuss my substitute?

Mr. MANN. Mr. Speaker, a parliamentary inquiry. Is not an amendment to the original resolution in order before it is in order to proceed to the consideration of a substitute to the resolution?

Mr. OLMSTED. It being an amendment to perfect the original resolution.

The SPEAKER. The modus operandi is that one amendment to the original resolution is in order and a substitute is in order and one amendment to the substitute.

Mr. MANN. Mr. Speaker, a parliamentary inquiry. The Chair just stated, as I understood, in answer to my parliamentary inquiry, that one amendment to the original resolution was in order. I think there is no limitation in the rules as to the number of amendments which may be offered to the original resolution, so far as they are in order.

The SPEAKER. None whatever, if they are voted down. You can offer amendments during these 30 minutes as fast as you can vote them down, but there can be but one amendment to the resolution and one amendment to the substitute all pending at once.

Mr. HAMLIN. I understand that, Mr. Speaker, but my parliamentary inquiry is this: How does the gentleman from Wisconsin get the floor to offer his amendment at this time? I thought I had the floor.

The SPEAKER. The gentleman from Missouri did have the floor, and he has it now, if he will proceed to use it.

Mr. HAMLIN. I have not had an opportunity.

Mr. MANN. Mr. Speaker, I make a point of order—

The SPEAKER. The gentleman from Illinois will state it.

Mr. MANN. I make the point of order that the gentleman from Wisconsin is entitled to the floor to offer an amendment to the original resolution before consideration is had upon the substitute.

The SPEAKER. The amendment of the gentleman from Wisconsin [Mr. LENROOT] is in order. The Clerk will report the same.

The Clerk read as follows:

Amend House resolution 246 by striking out the words "concurred in and adopted" and insert in lieu thereof the words "transmitted to the President of the United States together with the minority views and the testimony taken by said committee relating thereto."

Mr. HAMLIN. Mr. Speaker—

Mr. LENROOT. Mr. Speaker—

The SPEAKER. The gentleman from Wisconsin is entitled to speak to his amendment for five minutes, and then the gentleman from Missouri [Mr. HAMLIN] will be entitled to five minutes. The gentleman from Wisconsin is recognized.

Mr. LENROOT. Mr. Speaker, I think the amendment which I have offered requires no extended explanation to the House. The purport and effect of the amendment which I have offered is that if adopted the House will not act one way or the other upon the question of the guilt or innocence of the two men involved in this resolution. It strikes out from the resolution the approval of the findings of the committee and requires that the findings of the committee, together with the minority views and all testimony, shall be transmitted to the President of the United States.

Mr. Speaker, that, it seems to me, is the solution of this question and ought to be agreed to upon both sides of this Chamber. It does not seem to be possible, Mr. Speaker, that a majority of this House, without being conversant with this testimony, without having read it in full—as they have frankly admitted they have not—are ready to vote to convict two men of criminal offenses and ask the President of the United States to pass sentence upon them.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Tennessee?

Mr. LENROOT. I do.

Mr. AUSTIN. Does not the substitute offered by the chairman of this committee mean that the President shall not consider this testimony except upon one side of this proposition?

Mr. MANN. He can not consider it at all. He will have to take the findings of fact.

Mr. LENROOT. The substitute offered by the gentleman from Missouri [Mr. HAMLIN] is in nowise different from the original resolution, for if that substitute be adopted every man who votes for it in this House votes a verdict of guilty of felony upon these two men. I do not believe that this House is ready to do that thing. Everything will be accomplished that ought to be accomplished by the adoption of the amendment which I have proposed. [Applause on the Republican side.]

Mr. HAMLIN. Mr. Speaker—

The SPEAKER. The gentleman from Missouri is recognized for five minutes.

Mr. HAMLIN. Mr. Speaker, it seems to me that no good objection can be urged against the resolution which I have just had read from the desk. If the resolution of the gentleman from Wisconsin is to prevail, then you would take from this House and from your committee of investigation all authority, all power, all jurisdiction, and transfer it back to the President and the Secretary of State to make their own investigation and to take such action as they may deem proper. In other words, you would only make your committee a kind of a vehicle to gather facts for the consideration of the President. But you would say our committee must not express an opinion upon those facts.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. FITZGERALD. I would like to know for information if one of the findings of fact is that one of these men has misappropriated the money?

Mr. HAMLIN. I will answer that, and I am glad the gentleman from New York [Mr. FITZGERALD] suggested it. I want you all to hear me upon this proposition. There is not a man listening to me now who is honest with himself that will not admit that the \$850 was a misappropriation of public funds. [Cries of "Oh, no!"]

The money paid for this portrait was taken out of the emergency or secret fund, and any man who has any regard, it seems to me, for his reputation must admit that it is a misappropriation to pay that money out of that emergency or secret fund for portraits.

Mr. MANN. Will the gentleman yield for a question?

Mr. HAMLIN. Just a moment. But there is a finding which the evidence tends strongly to prove, and we believe that Michael misappropriated this \$1,600.

Mr. FITZGERALD. I want to be clear. The resolution proposes that we—

The SPEAKER. Does the gentleman from Missouri [Mr. HAMLIN] yield to the gentleman from New York?

Mr. HAMLIN. I will yield.

Mr. FITZGERALD. It is an important matter, I think. The proposed substitute is to the effect that the findings of fact in the report be approved. I desire to know whether, in the opinion of the gentleman from Missouri, one of the findings of fact that will be approved is a finding that Michael misappropriated the \$1,600?

Mr. HAMLIN. That is the conclusion of the committee. We believe that that is true, and we believe that the evidence shows that.



Mr. FITZGERALD. Is that a finding in the report?

Mr. HAMLIN. I have not the report before me, but I can read it.

Mr. FITZGERALD. As to the conclusions which the gentleman designates as "findings"?

Mr. HAMLIN. "Michael is now holding the responsible position of consul general at Calcutta." That is in No. 6. This is the conclusion, based on our findings of fact:

The conclusion reached by your committee seems irresistible that either this sum of \$1,600 was jointly misappropriated by Michael and Morrison or individually by Michael, either through the incompetence or connivance of Morrison.

The opinion seems to be irresistible, and I want to say to you, gentlemen, I have not one particle of doubt about it in my own mind.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. HAMLIN. I can not yield now. I have only five minutes.

The SPEAKER. The gentleman from Missouri declines to yield.

Mr. HAMLIN. Now, gentlemen, I want to say to you on the substitute that I have offered—you talk about it being hardly courtesy to recommend to the President that he take a certain action. Out of deference to that suggestion, upon that side and upon this side, and not wishing to be discourteous to the President, of course, I have offered this amendment, which simply takes to the President this report and all the testimony, with the indorsement of this House, if it carries, that you approve this report—the findings of fact in this report—and asks the President to take such action touching the matter as he believes he ought to take.

Mr. RICHARDSON. On the evidence?

Mr. HAMLIN. On the evidence. That is the point exactly. If the President does not think he ought to dismiss these men, then he takes the responsibility of retaining them.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Speaker, I ask that the gentleman's time be extended five minutes.

The SPEAKER. It can not be done except by modification of the rule that has been adopted.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] can reach his point by asking unanimous consent to modify the rule.

Mr. HAMLIN. Oh, Mr. Speaker, I do not think we should ask for it.

Mr. MARTIN of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Colorado will state it.

Mr. MARTIN of Colorado. I wish to ask whether a substitute for the amendment of the gentleman from Wisconsin would be in order?

The SPEAKER. The Chair is of the opinion that it would not be. An amendment to the substitute of the gentleman from Missouri [Mr. HAMLIN] would be in order.

Mr. MARTIN of Colorado. It would have to be germane, would it not?

The SPEAKER. Of course it would.

Mr. MARTIN of Colorado. I have an amendment that I would like to offer, but it would have to be read in order to enable the Chair to determine if it would be germane or not.

The SPEAKER. That is what the Chair is for. [Laughter.]

Mr. MARTIN of Colorado. Mr. Speaker, I will offer the following amendment.

The SPEAKER. The gentleman from Colorado offers an amendment to the substitute offered by the gentleman from Missouri. The Clerk will read.

The Clerk read as follows:

*Resolved*, That further consideration of House resolution 246 and report No. 59 of the Committee on Expenditures in the State Department be postponed until said committee concludes its investigation of said department and renders its final report thereon; that the committee procure the attendance and testimony of the said W. H. Michael; and that the minority report be stricken from the files of the House.

The SPEAKER. The Chair holds that the amendment is not germane. It is out of order.

Mr. MADISON. Mr. Speaker—

The SPEAKER. The gentleman from Kansas [Mr. MADISON] is recognized for five minutes.

Mr. MADISON. Mr. Speaker, in my judgment the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] solves this difficulty and solves it rightly. I am thoroughly convinced that this House is not going to vote in haste, with no opportunity to defend himself, a condemnation of W. H. Michael. I am just as well satisfied of that as I am that I am standing

here, because the sense of justice of gentlemen on the other side, as well as that of gentlemen on this side, will not permit them to do that. We may divide along partisan lines, and we do; but when it comes down to questions of fundamental justice we are all Americans, and we believe in the right and will do the right as God gives us the ability to see it. [Applause on the Republican side.]

And so I have no question whatever as to the result upon this vote, if gentlemen will only understand it. The proposition offered by our friend from Missouri [Mr. HAMLIN] is the same thing, in different words, as was presented to you before. The proposition that was before us, that Judge HARDWICK said would be offered—and which he, of course, believed would be—has not been offered.

Mr. HAMLIN. I beg the gentleman's pardon. It was offered.

The SPEAKER. Does the gentleman from Kansas yield to the gentleman from Missouri?

Mr. MADISON. I can not.

The SPEAKER. The gentleman declines to yield.

Mr. MADISON. There are seven findings of fact. I used to deal with findings of fact for a number of years, and I think I know them when I see them. There are seven of them here, and they in explicit and unmistakable terms condemn these men, and recommend their dismissal from the public service. There is no other conclusion to be drawn.

As to this substitute that has been offered by Mr. HAMLIN, if you vote for it you simply vote for something that you did not intend to do—you gentlemen on the other side who are opposed to the condemnation of this man without giving him an opportunity to be heard.

Now, where should this whole matter go? To the President of the United States. Whether he be a Republican or a Democrat, you and I know that he does not want a man at Calcutta representing this Government, if that man is dishonest. To him is where these reports ought to have been sent in the first instance, and not here to a House of 391 men, who have no opportunity to review them. You know that if this matter goes to the President of the United States with the recommendation made by the amendment of the gentleman from Wisconsin [Mr. LENROOT], that the matter be inquired into, and that he take such action as the good of the public service requires, that that action will be taken, and every good purpose that can be served by the discussion of this matter will have been served. [Applause.]

Mr. DENT. Will the gentleman yield?

The SPEAKER. The time of the gentleman from Kansas [Mr. MADISON] has expired.

Mr. HENRY of Texas. Mr. Speaker, it seems to me that the amendment offered by the gentleman from Missouri [Mr. HAMLIN] is a happy solution of this question. [Applause on the Democratic side.] What is the proposition now pending? The resolution proposes to approve the findings of fact as made by one of the standing committees of this House, a dignified, able body of gentlemen.

In addition to the approval of these findings of fact by a majority of one of our standing committees, one of the gentlemen on the other side of the aisle [Mr. DAVIS], a Republican from Minnesota, also concurs in them. This side of the House can not afford, nor can gentlemen who believe as they believe, say that this committee has made a false finding of facts, and send it out to the country that you have turned them down, and this House will not do it. [Applause on the Democratic side.]

But gentlemen say you are trying this man in his absence. You are not doing it. We propose to take the facts brought to this body and submit them to the President of the United States, and he can take the evidence and he can take additional evidence and summon this man from the other side of the world if he sees proper and give him a hearing, and if he is not guilty the Chief Executive can acquit him. [Applause on the Democratic side.] But if he is guilty, as practically everybody on this side of the House and many on that side believe, he is not fit to be a public servant of the United States. [Applause on the Democratic side.]

Now, gentlemen, let us solve it in this way. We do not by this resolution indorse the arguments made by these gentlemen. We do not indorse any immaterial suggestions they have made, but after they have labored for days and weeks and have brought us the fruits of their labor and have said, "Here is something upon which we desire the judgment of the House and of the country," we can not afford to let it go out to the people of the United States that one of the committees of this House has spoken falsely in regard to such a case. [Applause on the Democratic side.] It would be a fortunate solution for some of the gentlemen on the other side if you should stamp the report of the majority of the committee as a falsehood, an



injurious and unjust attack. It would be a sweet morsel to send over this country that the majority of the committee had been turned down, that we had slapped them in the face, and the President of the United States had echoed these slanderous statements expressed in the "views of the minority," and thus insult one of the committees of this House. For one I am not willing to go home to my people, and do not believe there is any Representative of the American people here who can afford to go to his people and say that he failed to frown down fraud and corruption in the service wherever it was brought to his attention on the floors of the American Congress. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Speaker, upon a question of this character I can not accept the opinion or the judgment of any committee or of any individual, but I must act upon my own unbiased judgment. [Applause.]

For that reason I have taken the time not only to examine as much of the evidence as possible, but I have given close attention to the discussion that has taken place here. We are asked to indorse as a fact the finding that one Michael is guilty of the crime of larceny. The record shows that Secretary Knox, on the 20th of May, cabled to Michael at Calcutta that in an investigation by one of the committees of the House it was disclosed that a certain voucher, purporting to be a voucher to pay for a portrait of the late Secretary Day, disclosed the payment of a much larger sum than was actually paid, and asking for a full report. The cablegram as it appears in the record is as follows:

DEPARTMENT OF STATE,  
Washington, May 20, 1911.

AMERICAN CONSUL, Calcutta:

Testimony before the House Committee on Expenditures is to the effect that while you were chief clerk one Albert Rosenthal received your personal check for \$850, the actual amount of his bill for portrait Secretary Day, while voucher signed in blank by Rosenthal indicates payment of \$2,450. Mail immediately full report of the facts and of the disposition of the remainder of the amount of the voucher. Cable substance of report.

KNOX.

Michael replied, according to Secretary Knox, that he had made a full report of this matter in 1905, and that he knew nothing additional thereto.

If it be accepted that Michael told the truth in 1905, his letter is a complete explanation of what happened to the money. [Applause.]

I am not satisfied with a great many things connected with this case, and there appear to have existed conditions which should not be tolerated in the public service; but if Michael's statement be true it shows what happened to the money as far as he could explain.

Mr. DENT. Will the gentleman yield?

Mr. FITZGERALD. I wish the gentleman would let me complete this statement, because I hope some one will correct my impression if it be wrong. I understand the committee rejects Michael's statement and characterizes it as false in one particular, and therefore assert that it must be false in every particular, and contend that he actually took the money himself because one Rosenthal testifies that Michael made certain statements to him about the payment of the money which are inconsistent with the written explanation of Michael.

Michael's statement appears in the RECORD of August 4, 1911, and is as follows:

CALCUTTA, INDIA, May 7, 1911.

Hon. ELIHU ROOT.

Secretary of State, Washington, D. C.

SIR: Your letter of the 28th of March was received in last Sunday's mail—the last mail from the United States—and my answer thereto goes forward by the first outward mail.

You call my attention to a "voucher bearing No. 228, unaccompanied by a bill or other memoranda, for the sum of \$2,450 \* \* \* for expenses incurred and to be paid out of the emergency fund appropriated for 1903, under which is written in ink in parentheses (for portrait of Judge Day, late Secretary of State), \* \* \* duly signed by Albert Rosenthal, dated January 18, 1904."

"As this amount is greatly in excess of the sum paid by the department for other similar portraits, and as it also seems in excess of the figure which this artist is accustomed to receive for his work, the department would be forced to the conclusion that the voucher signed by Rosenthal was actually made out to cover a number of emergency payments, of which the portrait was only one, were it not that the voucher was signed by Rosenthal alone."

"You are requested to state, as far as you can from memory, exactly what was paid for the portrait in question, how it was paid, whether by cash or otherwise, and to indicate what other expenditures, if any, are included in the gross sum of the voucher, and any other explanatory facts within your knowledge."

In reply I have the honor to say that the price paid for the portrait, as nearly as I can now recall, was \$750. Whether this includes the cost of the frame, I am unable to say.

My memory is not clear as to how payment was made. I am inclined to think, however, by drafts.

The price paid for the portrait was, I believe, agreed upon between ex-Secretary of State Day and Mr. Rosenthal. I was directed by Secretary Hay to write to Judge Day and ascertain whether the portrait was entirely satisfactory to him and the price agreed upon. In reply to my

letter Judge Day said the portrait was satisfactory to him, and stated the price to be paid. This letter I handed to Secretary Hay. He took a memorandum out of his portfolio and, after looking at it, directed me to make out a voucher for a certain amount—I do not now recall the amount—to pay for the portrait, and to hand him the balance, which he desired to apply on other emergency accounts. He did not say what the accounts were, and the only impression I got was that they related in some way to Mr. Rockhill in connection with Chinese affairs.

The amount of the voucher—whatever it was—was delivered to me by some one from the Bureau of Accounts, according to my recollection. The price of the portrait was taken out of the envelope containing the money in the presence of Secretary Hay, who retained the balance.

The voucher was to be signed by me, and not Mr. Rosenthal. If he signed the voucher instead of a receipt it was through error. There was no such purpose. If the voucher was sent to him to sign it was by inadvertence; and it seems to me unaccountable that he should have signed such a voucher if it had been sent to him. He was paid in full for the portrait, I am quite sure.

Whatever was done in the premises was done by direction of Secretary Hay, as nothing could have been done otherwise; and if there is anything in the transaction open to criticism it is the error of sending to the artist a voucher which was not intended for his signature at all and which he should not have signed.

With respect, I have the honor to be,  
Your most obedient servant,

WM. H. MICHAEL.

It can not be said that on its face this statement is palpably false, or that it may not without some evidence to overcome it, either direct or circumstantial, accurately account for the \$1,600, the amount of the discrepancy between the payment for the Day portrait and frame and the face of the voucher. Moreover, when the cable of Secretary Knox is examined it is clear that Michael's statement is responsive to it, and nothing else.

Rosenthal, it appears, testified to certain statements alleged to have been made to him by Michael which are inconsistent with Michael's written statement and upon which the committee relies to characterize Michael's explanation as false and to base its finding that he appropriated the money to himself.

So far as I am aware, Michael has no knowledge of this statement that has been made by Rosenthal as to what Michael said to him. It has not been called to his attention. He has never been confronted with the testimony upon which reliance is placed to discredit and convict him.

Mr. Speaker, without reflecting upon this committee, which I believe have honestly endeavored to make a fair and impartial investigation, and without in any way approving the views submitted by the minority, I can not bring myself by my vote to characterize as a thief a man whose testimony, plausible on its face, and which, if true, explains the transaction, is to be found guilty not only of lying but of larceny, because his statement is inconsistent with statements which he is charged to have made and which never have been brought to his attention. [Applause.]

That is what I believe has been disclosed in this discussion. If I be mistaken, I hope somebody will correct the statement.

It will not do to say in a matter of this character that the Secretary of State should have brought Michael here. I have not heard any statement that the committee requested that he be brought here. Entertaining the views I do of fair dealing, I would not convict the humblest and most undeserving individual without giving the individual charged with an offense at least an opportunity to know the testimony upon which he is to be convicted. I do not wish in any way to reflect on the committee. What the facts are is to be determined from the evidence. It is a question of judgment, and I propose to form my own opinion, form it honestly, and vote in accordance therewith. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, this question presents to the House of Representatives a very serious charge against one of the great departments of the Government. The people of the United States have the right to have their public business honestly administered. [Applause.] I do not approach this question from a partisan standpoint. It is a question that should rise above partisanship, but the entire history of this House bears me out in the assertion that the House of Representatives, as the guardian of the Public Treasury, has always exercised the right to investigate, not only the expenditures of public money, but the question as to whether the executive officers have honestly performed the duties incumbent upon them. This resolution, as offered by the gentleman from Missouri, does not ask this House to sustain the conclusions of the committee.

Mr. FITZGERALD. The gentleman said it did.

Mr. UNDERWOOD. I understood the gentleman's resolution to state that we approve of the findings of fact but not the conclusion.

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. I prefer not to yield.

Mr. MANN. The gentleman ought to yield for a simple question.

Mr. UNDERWOOD. I have only five minutes.

The SPEAKER. The gentleman from Alabama declines to yield.



Mr. UNDERWOOD. The resolution states that we approve of the findings of facts. Now, you may come to one conclusion in reference to the findings of these facts, I may come to another, the committee may come to another, and the President of the United States may come to another. But there is one material finding of fact in this resolution that has not been denied, and the opportunity for its denial has been presented to the man who is defended in this case.

It was charged in public testimony as far back as last May, by a witness whose credibility and honesty has not been questioned, that when he called on this Mr. Michael for the money—not for what the voucher called for, but for much less than the voucher called for—which Mr. Michael had agreed to pay to him, Mr. Michael stated to him that the money was not available; and yet, Mr. Chairman, the evidence before this House shows that the money was available at that time. [Applause on the Democratic side.] Nearly three months ago the charge was proclaimed before this committee and spread broadcast over the land. Michael undoubtedly, if he has a friend in the world, if the State Department desires to defend itself and can defend itself on that proposition, has known for weeks and months that this man Rosenthal has made this charge, and in no way has he attempted to deny the proposition before this committee and before the American people. [Applause on the Democratic side.]

The SPEAKER. The gentleman's time has expired. All time has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the rule adopted on yesterday be so further modified as to permit him to speak for five minutes. Is there objection?

Mr. CLARK of Florida. Mr. Speaker, I object.

The SPEAKER. The gentleman from Florida objects. Under the order previously adopted the previous question is ordered. The vote will first be taken on the amendment of the gentleman from Wisconsin [Mr. LENROOT], which the Clerk will report.

Mr. AUSTIN. Mr. Speaker, I desire at the proper time to move to recommit this resolution to the committee with instructions.

The SPEAKER. The time has not yet arrived for that. The Clerk will report the Lenroot amendment.

The Clerk reported as follows:

Amend House resolution 246 by striking out the words "concurring in and adopted" and insert in lieu thereof the words "transmitted to the President of the United States, together with the minority views and the testimony taken by said committee relating thereto."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 127, nays 136, answered "present" 10, not voting 113, as follows:

## YEAS—127.

Anderson, Minn.	Fuller	Lawrence	Prouty
Anthony	Gardner, N. J.	Lenroot	Rees
Austin	Good	Lobeck	Roberts, Mass.
Barchfeld	Gray	Longworth	Rosenberg
Bartholdt	Green, Iowa	Loud	Sharp
Berger	Greene, Mass.	McCall	Simmons
Bowman	Griest	McKinley	Slayden
Bradley	Hamilton, Mich.	McKinney	Sloan
Bulkeley	Hamilton, W. Va.	McLaughlin	Smith, J. M. C.
Burke, S. Dak.	Hanna	McMorran	Smith, Saml. W.
Campbell	Hardwick	Macon	Speer
Cannon	Harris	Madden	Steenerson
Catlin	Haugen	Madison	Stephens, Cal.
Cooper	Hawley	Malby	Stevens, Minn.
Copley	Hayes	Mann	Switzer
Crago	Heald	Miller	Talcott, N. Y.
Crumacker	Helgesen	Mondell	Taylor, Ohio
Currier	Higgins	Morgan	Thistlewood
Dalzell	Hill	Morrison	Tilson
De Forest	Hinds	Morse, Wis.	Townner
Dodds	Howland	Mott	Volstead
Driscoll, M. E.	Hubbard	Nelson	Warburton
Dwight	Humphrey, Wash.	Norris	Wedemeyer
Dyer	Jackson	Nye	Weeks
Esch	Kendall	Olmsted	White
Fairechild	Kennedy	Padgett	Wilder
Farr	Kent	Patton, Pa.	Willis
Fitzgerald	Kinkaid, Nebr.	Payne	Wilson, Ill.
Fordney	Knowland	Pickett	Wilson, Pa.
Foss	Kopp	Porter	Woods, Iowa
Foster, Vt.	Lafferty	Pray	Young, Kans.
French	La Follette	Prince	

## NAYS—136.

Adair	Ansberry	Blackmon	Buchanan
Adamson	Ashbrook	Boehne	Burke, Wis.
Aiken, S. C.	Barnhart	Booher	Burleson
Alexander	Bathrick	Borland	Burnett
Allen	Bell, Ga.	Brown	Byrnes, S. C.

Byrns, Tenn.	Finley	Kindred	Rubey
Callaway	Floyd, Ark.	Kinhead, N. J.	Rucker, Colo.
Candler	Foster, Ill.	Konop	Rucker, Mo.
Carlin	Gallagher	Korby	Russell
Clark, Fla.	Garner	Lamb	Sabath
Claypool	George	Levy	Scully
Clayton	Godwin, N. C.	Lewis	Shackelford
Cline	Goeke	Littlepage	Sheppard
Collier	Gould	Lloyd	Sherwood
Connell	Graham	McCoy	Sims
Conry	Gregg, Pa.	McDermott	Sisson
Cox, Ind.	Hamlin	Maguire, Nebr.	Stack
Cullop	Hammond	Martin, Colo.	Stedman
Curley	Hardy	Mays	Stephens, Miss.
Daugherty	Harrison, Miss.	Moore, Tex.	Stephens, Tex.
Davis, Minn.	Harrison, N. Y.	Moss, Ind.	Stone
Dent	Heflin	Murray	Sweet
Denver	Helm	Oldfield	Taylor, Colo.
Dickinson	Henry, Tex.	O'Shaunessy	Thomas
Dickson, Miss.	Hensley	Pepper	Townsend
Dixon, Ind.	Holland	Peters	Trumble
Doremus	Houston	Post	Turnbull
Doughton	Howard	Pou	Tuttle
Driscoll, D. A.	Hughes, Ga.	Randell, Tex.	Underhill
Edwards	Hull	Reilly	Underwood
Ellerbe	Humphreys, Miss.	Richardson	Watkins
Evans	Jacoway	Robinson	Wickliffe
Faison	James	Roddenbery	Witherspoon
Ferris	Johnson, Ky.	Rouse	Wood, N. J.

## ANSWERED "PRESENT"—10.

Butler	Flood, Va.	Lindbergh	Raker
Davis, W. Va.	Fowler	Moon, Tenn.	Sherley
Dies	Gregg, Tex.		

## NOT VOTING—113.

Akin, N. Y.	Fornes	Lee, Pa.	Redfield
Ames	Francis	Legare	Reynolds
Anderson, Ohio	Gardner, Mass.	Lever	Riordan
Andrus	Garrett	Lindsay	Roberts, Nev.
Ayres	Gillett	Linthicum	Rothermel
Bartlett	Glass	Littleton	Saunders
Bates	Goldfogle	Loudenslager	Sells
Beall, Tex.	Goodwin, Ark.	McCreary	Slemp
Bingham	Gordon	McGillcuddy	Small
Brantley	Gudger	McGuire, Okla.	Smith, N. Y.
Broussard	Guernsey	McHenry	Smith, Tex.
Burke, Pa.	Hamill	McKenzie	Sparkman
Calder	Hartman	Maher	Stanley
Cantrill	Hay	Martin, S. Dak.	Sterling
Carter	Henry, Conn.	Matthews	Suloway
Cary	Hobson	Moon, Pa.	Sulzer
Covington	Howell	Moore, Pa.	Talbott, Md.
Cox, Ohio	Hughes, N. J.	Murdoch	Taylor, Ala.
Cravens	Hughes, W. Va.	Needham	Thayer
Danforth	Johnson, S. C.	Page	Utter
Davenport	Jones	Palmer	Vreeland
Davidson	Kahn	Parran	Webb
Difenderfer	Kitchin	Patten, N. Y.	Whitacre
Donohoe	Konig	Plumley	Wilson, N. Y.
Draper	Lafean	Powers	Young, Mich.
Dupre	Langham	Pujo	Young, Tex.
Estopinal	Langley	Rainey	
Fields	Latta	Ransdell, La.	
Focht	Lee, Ga.	Rauch	

The Clerk announced the following pairs:

On this vote:

Mr. FLOOD of Virginia with Mr. HARTMAN.

For to-day:

Mr. DAVIS of West Virginia with Mr. SLEMP.

Mr. PAGE with Mr. LAFEAN.

Mr. MOON of Tennessee with Mr. UTTER.

Until August 6:

Mr. FIELDS with Mr. LANGLEY.

Until Monday noon:

Mr. CARTER with Mr. KAHN.

Mr. PALMER with Mr. BINGHAM.

Mr. DONOHUE with Mr. MATTHEWS.

Until Monday:

Mr. KITCHIN with Mr. MOON of Pennsylvania.

Mr. MCGILLICUDDY with Mr. STEELING.

Mr. HUGHES of New Jersey with Mr. WOOD of New Jersey.

Until August 8:

Mr. SMALL with Mr. MOORE of Pennsylvania.

Until August 19, inclusive:

Mr. REDFIELD with Mr. NEEDHAM.

Until further notice:

Mr. SULZER with Mr. PLUMLEY.

Mr. FORNES with Mr. MURDOCK.

Mr. DUPRE with Mr. GUERNSEY.

Mr. BRANTLEY with Mr. VREELAND.

Mr. GLASS with Mr. HENRY of Connecticut.

Mr. GOODWIN of Arkansas with Mr. DRAPER.

Mr. LITTLETON with Mr. MCKENZIE.

Mr. FRANCIS with Mr. DANFORTH.

Mr. CANTRILL with Mr. GILLET.

Mr. LEE of Georgia with Mr. MARTIN of South Dakota.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. PUJO with Mr. HUGHES of West Virginia.

Mr. CRAVENS with Mr. LOUDENSLAGER.

Mr. TALBOTT of Maryland with Mr. MCCREARY.

Mr. SHERLEY with Mr. GARDNER of Massachusetts.  
 Mr. BARTLETT with Mr. BUTLER.  
 Mr. BEALL of Texas with Mr. YOUNG of Michigan.  
 Mr. WEBB with Mr. CARY.  
 Mr. SMITH of New York with Mr. BURKE of Pennsylvania.  
 Mr. HOBSON with Mr. BATES.  
 Mr. COVINGTON with Mr. PARRAN.  
 Mr. SAUNDERS with Mr. LANGHAM.  
 Mr. BURLESON with Mr. KENT.  
 Mr. GREGG of Texas with Mr. McGUIRE of Oklahoma.  
 Mr. JONES with Mr. SLEMP.  
 Mr. LEE of Pennsylvania with Mr. SELLS.  
 Mr. DAVENPORT with Mr. ROBERTS of Nevada.  
 Mr. STANLEY with Mr. FOCHT.  
 Mr. GOLDFOGLE with Mr. AMES.  
 Mr. AYRES with Mr. AKIN of New York.

For the session:

Mr. LEVER with Mr. SULLOWAY.

Mr. MAHER with Mr. CALDER.

Mr. RAINEY with Mr. HOWELL.

Mr. RIORDAN with Mr. ANDRUS.

Mr. BUTLER. Mr. Speaker, on this resolution I voted "aye." I have a general pair with Mr. BARTLETT, and I will be compelled to withdraw my vote.

The SPEAKER. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

The SPEAKER. On the Lenroot amendment the vote is—yeas 127, nays 125, present 8. [Applause on the Republican side.]

Mr. HAMLIN. Mr. Speaker, I ask for a recapitulation. The vote is so close I think we ought to have a recapitulation.

The SPEAKER. The gentleman from Missouri asks for a recapitulation of the vote.

The vote was recapitulated.

The SPEAKER. The question now recurs on the substitute offered by the gentleman from Missouri [Mr. HAMLIN], which the Clerk will report.

The Clerk read as follows:

Strike out all after the word "resolve" and insert "that the findings of fact as contained in Report No. 59 be approved and submitted to the President, with the recommendation that he take appropriate action touching the same."

The question was taken; and the Chair announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The Clerk proceeded with the calling of the roll.

During the roll call the following proceedings occurred:

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman can not interrupt a roll call. [Cries of "Regular order!"]

The SPEAKER. The regular order is the roll call.

Mr. JAMES. Mr. Speaker, just a moment. I would like to ask unanimous consent—

The SPEAKER. The gentleman can not interrupt a roll call under the rules. The regular order is the roll call.

Mr. MANN. Mr. Speaker, I ask unanimous consent for permission that the roll call may be interrupted for a moment in order that I may address the House.

The SPEAKER. The House can do anything by unanimous consent.

Mr. MANN. It is in reference to the last roll call.

The SPEAKER. The Chair will ask that the House be in order, so that the Chair can hear the gentleman from Illinois.

Mr. MANN. It is in reference to the last roll call. Have I permission to interrupt the roll call? I ask unanimous consent to make a statement.

The SPEAKER. Is there objection?

Mr. HAMLIN. Mr. Speaker, I object. [Cries of "Oh, no!"] I did not understand the gentleman's question. Therefore I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I am informed that a verification of the roll by the officials who verify it after the roll is called discloses that there was a mistake made in the number of names, or something of that sort; so that, in fact, the amendment that was just declared carried by the roll call appears to have been defeated. That is my information. If that be the case, of course it might well be corrected at this time by the announcement of the Chair, and after the vacation of the present roll call the roll call will undoubtedly proceed again.

The SPEAKER. Does the gentleman make a motion?

Mr. MANN. I ask for information. I would like to know whether the Chair is now informed what is the correct vote on the last roll call?

The SPEAKER. The Chair is informed by the tally clerk there was a mistake made of 11 in adding up, and that the vote ought to have been announced 127 and 136 instead of 127 and 125.

Mr. MANN. Then, Mr. Speaker, I ask unanimous consent to vacate all proceedings under the present roll call, all proceedings which have been had since the commencement on the previous roll call, and that the Speaker may make a correction of the previous roll call.

The SPEAKER. The gentleman from Illinois asks unanimous consent that proceedings under the present roll call be vacated and all the proceedings under the prior roll call up to the time the Chair announced the vote, and that the Chair shall be permitted to announce the correct totals. Is there objection?

Mr. HINDS. Reserving the right to object, may I ask the Speaker if the other amendment, on which the other roll call was taken, was the amendment to the original resolution reported from the committee?

The SPEAKER. The vote was taken on the motion of the gentleman from Wisconsin [Mr. LENROOT] to the original resolution. Is there objection? [After a pause.] The Chair hears none. On the amendment of the gentleman from Wisconsin [Mr. LENROOT] the vote is yeas 127, nays 136. So the amendment is rejected.

Mr. MARTIN of Colorado. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Colorado. Will a motion to recommit the resolution of the gentleman from Missouri be now in order?

The SPEAKER. Not now.

Mr. MARTIN of Colorado. I wish to make a motion to recommit, I will say, Mr. Speaker, at the proper time.

The SPEAKER. The proper time is just before the final passage of the resolution.

The question now recurs on adopting the substitute of the gentleman from Missouri [Mr. HAMLIN].

Mr. MANN. And upon that I ask for the yeas and nays.

The SPEAKER. The yeas and nays have already been ordered. The Clerk will call the roll.

Mr. MANN. Mr. Speaker, I will withdraw the request for the yeas and nays on that.

The SPEAKER. The gentleman from Illinois withdraws his request for the yeas and nays. The question now recurs on the amendment of the gentleman from Missouri [Mr. HAMLIN].

Mr. RANDELL of Texas. Mr. Speaker, I make the point of order that by unanimous consent the proceedings in which the roll call was ordered were vacated, and therefore it ought to be called for again.

The SPEAKER. They were vacated up to the place where the roll was called. There was no mistake about calling the roll. The mistake that was made was an arithmetical mistake in adding it up.

Mr. RANDELL of Texas. Everything was expunged, as I understand, up to the place where the mistake was made, which included the action of calling the roll?

The SPEAKER. Yes.

Mr. RANDELL of Texas. Mr. Speaker, I ask for the yeas and nays.

Mr. HAMLIN. Regular order, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. RANDELL] calls for the yeas and nays on the Hamlin substitute.

Mr. RANDELL of Texas. I withdraw my request, Mr. Speaker.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. After the yeas and nays are ordered, can the gentleman from Illinois withdraw his call for it?

The SPEAKER. It was done by unanimous consent. The question is on the Hamlin substitute to the original resolution. The question was taken, and the Hamlin substitute was adopted.

The SPEAKER. The question now is on the resolution as amended by the adoption of the Hamlin substitute.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to offer a motion to recommit.

Mr. TILSON. Mr. Speaker, I desire to make a motion to recommit the resolution to the committee.

The SPEAKER. The gentleman from Connecticut, who led the fight against this resolution is, I think, entitled to make the motion to recommit.



Mr. MANN. I suggest that the gentleman from Connecticut [Mr. TILSON] yield to the gentleman from Colorado [Mr. MARTIN].

Mr. TILSON. Mr. Speaker, I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Mr. Speaker, the Chair said he would recognize me at the proper time to make this motion—to make a motion to recommit the resolution to the committee.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry. The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. Has the gentleman from Connecticut made a motion to recommit the resolution?

The SPEAKER. The gentleman from Connecticut waives his right.

Mr. HENRY of Texas. Did he withdraw it?

Mr. TILSON. No; I did not. I made the motion to recommit, and then I yielded to the gentleman from Colorado.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to recommit.

SEVERAL MEMBERS. Regular order!

Mr. TILSON. Mr. Speaker, I yield to the gentleman from Colorado. I will withdraw my motion, and yield to the gentleman from Colorado [Mr. MARTIN].

Mr. JAMES. Mr. Speaker, I object.

Mr. MARTIN of Colorado. Mr. Speaker, I move to recommit the resolution to the committee.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] moves—

Mr. MANN. Mr. Speaker, I think we are entitled to make the motion to recommit from our side if we desire.

The SPEAKER. The Chair thinks undoubtedly the spirit of the rule is that the opposition—

Mr. RAKER. Mr. Speaker—

The SPEAKER. The gentleman from California will wait until the Chair states the situation. The Chair is of the opinion that the spirit of the rule is that the leader on the side of opposition to a particular measure has the right to make the motion to recommit, and his side itself has that preference. The Chair offered to recognize the gentleman from Connecticut [Mr. TILSON] to make the motion to recommit, but the gentleman from Connecticut waived his right and asked the Chair to recognize the gentleman from Colorado.

Mr. JAMES. Mr. Speaker, I make the point of order that he made the motion and can not withdraw it without unanimous consent.

The SPEAKER. Any motion in the House can be withdrawn before action is taken. [Cries of "Regular order!" "Regular order!"]

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. How did the gentleman from Colorado vote on the Lenroot amendment?

Mr. MARTIN of Colorado. I voted against it, and I also voted against the other proposition.

The SPEAKER. If the gentleman will permit the Chair to state his understanding of this rule, the Chair will state that the spirit of the rule is that the opposition to a measure has the right to make the motion to recommit with instructions, and preferably the leader of the opposition has the right to make that motion.

Mr. HINDS. Will the Chair permit a suggestion?

The SPEAKER. In a moment. If there is nobody opposed to it who wants to make it, the Chair would recognize somebody on this side to make it. The gentleman from Connecticut [Mr. TILSON] was recognized. He made the motion and then withdrew it, and then asked that the gentleman from Colorado [Mr. MARTIN] be recognized.

Mr. MANN. Is the gentleman from Colorado recognized?

The SPEAKER. The gentleman from Colorado is already recognized.

Mr. HINDS. I do not wish to antagonize the ruling, which seems fair, but I was going to suggest, and perhaps I might suggest now for the consideration of the Speaker, whether the requirement to recognize one in opposition applies to a case of a simple resolution. The rule was careful to specify that that condition should apply to a motion to recommit a bill or joint resolution, apparently intending by that language to exclude everything else. I merely make that suggestion. I had it in mind when I thought the Chair might rule the other way.

The SPEAKER. The Chair will state to the gentleman and to the House that this question has been raised privately several times to-day, and the only authority that the Chair has found up to the present time is that on a resolution in a con-

tested-election case, which was a House resolution, Mr. Speaker Crisp held that the word "bill" as used in that connection was a generic term and related to resolutions.

Mr. HINDS. Not to detain the Chair for a mere academic question, I would call his attention to the fact that the framers of this rule did not leave the word "bill" and the definitions inhering to it in the rule, but they went beyond it and said "bill or joint resolution," thereby intending to confine it to bills and joint resolutions.

Mr. MANN. The Chair is fair about it.

The SPEAKER. The Clerk will report the motion of the gentleman from Colorado [Mr. MARTIN].

The Clerk read as follows:

*Resolved*, That House resolution 246 be recommitted to the Committee on Expenditures in the State Department, with instructions to procure the attendance and testimony of the said W. H. Michael before said committee, touching upon the matters and things with which he is charged, in connection with the investigation herein pending, and that the committee make further report thereon.

The SPEAKER. The question is on agreeing to the motion to recommit.

The question being taken, the Speaker announced that the yeas appeared to have it.

Mr. TILSON. Mr. Speaker, I ask for the yeas and nays on that.

The yeas and nays were ordered.

The question was taken; and there were—yeas, 132, nays 136 answered "present" 6, not voting 112, as follows:

## YEAS—132.

Akin, N. Y.	French	La Follette	Porter
Anderson, Minn.	Fuller	Lawrence	Pray
Anthony	Gardner, N. J.	Lenroot	Prince
Austin	Good	Lindbergh	Prouty
Barchfeld	Gray	Lobeck	Rees
Bartholdt	Green, Iowa	Longworth	Roberts, Mass.
Berger	Greene, Mass.	Loud	Roberts, Nev.
Bowman	Griest	McCall	Sharp
Bradley	Hamilton, Mich.	McCoy	Simmons
Bulkley	Hanna	McKinley	Slayden
Burke, S. Dak.	Hardwick	McKinney	Sloan
Campbell	Hardy	McLaughlin	Smith, J. M. C.
Cannon	Harris	McMorran	Smith, Saml. W.
Catlin	Hawley	Macon	Speer
Cooper	Hayes	Madden	Steenerson
Copley	Heald	Madison	Stephens, Cal.
Crago	Helgesen	Malby	Stephens, Minn.
Crumpacker	Higgins	Mann	Switzer
Currier	Hill	Martin, Colo.	Talcott, N. Y.
Dalzell	Hinds	Miller	Taylor, Ohio
De Forest	Howland	Mondell	Thistlewood
Dies	Hubbard	Morgan	Tilson
Dodds	Humphrey, Wash.	Morrison	Towner
Driscoll, M. E.	Humphreys, Miss.	Morse, Wis.	Volstead
Dwight	Jackson	Mott	Warburton
Dyer	Kendall	Nelson	Wedemeyer
Esch	Kennedy	Norris	Weeks
Fairchild	Kent	Nye	Wilder
Farr	Kinkaid, Nebr.	Olmsted	Willis
Fordney	Kinhead, N. J.	Padgett	Wilson, Ill.
Foss	Knowland	Patton, Pa.	Wilson, Pa.
Foster, Vt.	Kopp	Payne	Woods, Iowa
Fowler	Laferty	Pickett	Young, Kans.

## NAYS—136.

Adair	Davis, Minn.	Hensley	Roddenbery
Adamson	Dent	Holland	Rothermel
Aiken, S. C.	Denver	Houston	Rouse
Alexander	Dickinson	Howard	Ruby
Allen	Dickson, Miss.	Hughes, Ga.	Rucker, Colo.
Ansberry	Dixon, Ind.	Hull	Rucker, Mo.
Barnhart	Doremus	Jacoway	Russell
Bathrick	Doughton	James	Sabath
Bell, Ga.	Driscoll, D. A.	Johnson, Ky.	Scully
Blackmon	Edwards	Kindred	Shackelford
Boehne	Estopinal	Konop	Sheppard
Booher	Evans	Korbly	Sherwood
Borland	Faison	Lamb	Sims
Brown	Ferris	Levy	Sisson
Buchanan	Finley	Lewis	Stack
Burke, Wis.	Flood, Va.	Littlepage	Stedman
Burleson	Floyd, Ark.	Lloyd	Stephens, Miss.
Burnett	Foster, Ill.	McDermott	Stephens, Tex.
Byrnes, S. C.	Gallagher	Maguire, Neb.	Stone
Byrns, Tenn.	Garner	Mays	Sweet
Callaway	George	Moore, Tex.	Taylor, Ala.
Candler	Godwin, N. C.	Moss, Ind.	Taylor, Colo.
Carlin	Goeke	Murray	Thomas
Claypool	Gould	Oldfield	Townsend
Clayton	Graham	O'Shaunessy	Tribble
Cline	Gregg, Pa.	Pepper	Turnbull
Collier	Hamilton, W. Va.	Peters	Tuttle
Connell	Hamlin	Post	Underhill
Conry	Hammond	Pou	Underwood
Cox, Ind.	Harrison, Miss.	Raker	Watkins
Cullop	Harrison, N. Y.	Randell, Tex.	Webb
Curley	Heflin	Reilly	White
Daugherty	Helm	Richardson	Wickliffe
Davenport	Henry, Tex.	Robinson	Witherspoon

## ANSWERED "PRESENT"—6.

Butler	Ellerbe	Moon, Tenn.	Sherley
Davis, W. Va.	Gregg, Tex.		

## NOT VOTING—112.

Ames	Focht	Langley	Pujo
Anderson, Ohio	Fornes	Latta	Rainey
Andrus	Francis	Lee, Ga.	Ransdell, La.
Ashbrook	Gardner, Mass.	Lee, Pa.	Rauch
Ayres	Garrett	Legare	Redfield
Bartlett	Gillett	Lever	Reyburn
Bates	Glass	Lindsay	Riordan
Beall, Tex.	Goldfogle	Linthicum	Rodenberg
Bingham	Goodwin, Ark.	Littleton	Saunders
Brantley	Gordon	Loudenslager	Sells
Broussard	Gudger	McCreary	Slemp
Burke, Pa.	Guernsey	McGillcuddy	Small
Calder	Hamill	McGuire, Okla.	Smith, N. Y.
Cantrill	Hartman	McHenry	Smith, Tex.
Carter	Haugen	McKenzie	Sparkman
Cary	Hay	Maher	Stanley
Clark, Fla.	Henry, Conn.	Martin, S. Dak.	Sterling
Covington	Hobson	Matthews	Sulloway
Cox, Ohio	Howell	Moon, Pa.	Sulzer
Cravens	Hughes, N. J.	Moore, Pa.	Talbot, Md.
Danforth	Hughes, W. Va.	Murdock	Thayer
Davidson	Johnson, S. C.	Needham	Utter
Difenderfer	Jones	Page	Vreeland
Donohoe	Kahn	Palmer	Whitacre
Draper	Kitchin	Parran	Wilson, N. Y.
Dupre	Konig	Patten, N. Y.	Wood, N. J.
Felds	Lafean	Plumley	Young, Mich.
Fitzgerald	Langham	Powers	Young, Tex.

So the motion to recommit was lost.

The following additional pairs were announced:

Until further notice:

Mr. CLARK of Florida with Mr. GILLET.

For the balance of the day:

Mr. ELLERBE with Mr. RODENBERG.

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the resolution as amended.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the resolution as amended will, when their names are called, vote "aye" and those opposed "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 136, nays 123, answered "present" 9, not voting 118, as follows:

## YEAS—136

Adair	Davenport	Helm	Reilly
Adamson	Davis, Minn.	Henry, Tex.	Richardson
Aiken, S. C.	Dent	Hensley	Robinson
Alexander	Denver	Holland	Roddenbery
Allen	Dickinson	Houston	Rothermel
Ansberry	Dickson, Miss.	Howard	Rouse
Barnhart	Dixon, Ind.	Hughes, Ga.	Rubey
Bathrick	Doremus	Hull	Rucker, Colo.
Bell, Ga.	Doughton	Jacoway	Rucker, Mo.
Blackmon	Driscoll, D. A.	James	Russell
Boehne	Edwards	Johnson, Ky.	Sabath
Booher	Estopinal	Kindred	Scully
Borland	Evans	Kinkad, N. J.	Shackelford
Brown	Faison	Konop	Sheppard
Buchanan	Ferris	Korbly	Sherwood
Bulkley	Finley	Lamb	Sims
Burke, Wis.	Flood, Va.	Levy	Sisson
Burleson	Floyd, Ark.	Lewis	Stack
Buttett	Foster, Ill.	Littlepage	Stedman
Byrnes, S. C.	Gallagher	Lloyd	Stephens, Miss.
Byrnes, Tenn.	Garner	McCoy	Stephens, Tex.
Callaway	George	McDermott	Stone
Candler	Godwin, N. C.	Maguire, Nebr.	Sweet
Carlin	Goeke	Mays	Taylor, Colo.
Claypool	Gould	Moore, Tex.	Thomas
Clayton	Graham	Moss, Ind.	Townsend
Cline	Gregg, Pa.	Murray	Tribble
Collier	Hamilton, W. Va.	Oldfield	Turnbull
Connell	Hamlin	O'Shaunessy	Tuttle
Conry	Hammond	Pepper	Underhill
Cox, Ind.	Hardy	Peters	Underwood
Cullop	Harrison, Miss.	Pou	Wickliffe
Curley	Harrison, N. Y.	Raker	Wilson, Pa.
Daugherty	Hedin	Randell, Tex.	Witherspoon

## NAYS—123.

Akin, N. Y.	Esch	Howland	Madison
Anderson, Minn.	Farr	Hubbard	Malby
Anthony	Fordney	Humphrey, Wash.	Mann
Austin	Foss	Humphreys, Miss.	Martin, Colo.
Barchfield	Foster, Vt.	Jackson	Miller
Bartholdt	Fowler	Kendall	Mondell
Berger	French	Kennedy	Morgan
Bowman	Fuller	Kent	Morrison
Bradley	Gardner, N. J.	Kinkaid, Nebr.	Morse, Wis.
Burke, S. Dak.	Good	Knowland	Nelson
Campbell	Gray	Kopp	Norris
Cannon	Green, Iowa	Lafferty	Nye
Catin	Greene, Mass.	La Follette	Olmsted
Cooper	Griest	Lawrence	Patton, Pa.
Copley	Hamilton, Mich.	Lenroot	Payne
Crago	Hanna	Lobeck	Pickett
Crumpacker	Hardwick	Longworth	Porter
Currer	Harris	Loud	Pray
Dalzell	Hawley	McCall	Prince
De Forest	Hayes	McKinley	Prouty
Dies	Heald	McKinney	Rees
Dodds	Helgesen	McLaughlin	Roberts, Mass.
Driscoll, M. E.	Higgins	McMorran	Roberts, Nev.
Dwight	Hill	Macon	Sharp
Dyer	Hinds	Madden	Simmons

Sloan	Stevens, Minn.	Towner	Wilder
Smith, J. M. C.	Switzer	Volstead	Willis
Smith, Saml. W.	Talcott, N. Y.	Warburton	Wilson, Ill.
Speer	Taylor, Ohio	Watkins	Woods, Iowa
Steenerson	Thistlewood	Wedemeyer	Young, Kans.
Stephens, Cal.	Tilson	Weeks	

## ANSWERED "PRESENT"—9.

Butler	Gregg, Tex.	Moon, Tenn.	Sherley
Davis, W. Va.	Lindbergh	Padgett	White
Ellerbe			

## NOT VOTING—118.

Ames	Fornes	Lee, Pa.	Rauch
Anderson, Ohio	Francis	Legare	Redfield
Andrus	Gardner, Mass.	Lever	Reyburn
Ashbrook	Garrett	Lindsay	Riordan
Ayers	Gillett	Linthicum	Rodenberg
Bartlett	Glass	Littleton	Saunders
Bates	Goldfogle	Loudenslager	Sells
Beall, Tex.	Goodwin, Ark.	McCreary	Slayden
Bingham	Gordon	McGillcuddy	Slemp
Brantley	Gudger	McGuire, Okla.	Small
Broussard	Guernsey	McHenry	Smith, N. Y.
Burke, Pa.	Hamill	McKenzie	Smith, Tex.
Calder	Hartman	Maher	Sparkman
Cantrill	Haugen	Martin, S. Dak.	Stanley
Carter	Hay	Matthews	Sterling
Cary	Henry, Conn.	Moon, Pa.	Sulloway
Clark, Fla.	Hobson	Moore, Pa.	Sulzer
Covington	Howell	Mott	Talbot, Md.
Cox, Ohio	Hughes, N. J.	Murdock	Taylor, Ala.
Cravens	Hughes, W. Va.	Needham	Thayer
Danforth	Johnson, S. C.	Page	Utter
Davidson	Jones	Palmer	Vreeland
Difenderfer	Kahn	Parran	Webb
Donohoe	Kitchin	Patten, N. Y.	Whitacre
Draper	Konig	Plumley	Wilson, N. Y.
Dupre	Lafean	Post	Wood, N. J.
Fairchild	Langham	Powers	Young, Mich.
Felds	Langley	Pujo	Young, Tex.
Fitzgerald	Latta	Rainey	
Focht	Lee, Ga.	Ransdell, La.	

So the resolution was agreed to.

The result of the vote was announced as above recorded.

On motion of Mr. HAMLIN, a motion to reconsider the last vote was laid on the table.

## ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD, at 5 o'clock and 50 minutes p. m., the House adjourned until Monday, August 7, 1911, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Department of Commerce and Labor submitting a deficiency estimate for an appropriation for completing the Thirteenth Decennial Census of the United States (H. Doc. No. 98), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 3069) to amend section 1 of an act entitled "An act to authorize the drainage of certain lands in the State of Minnesota," approved May 20, 1908, reported the same without amendment, accompanied by a report (No. 124), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the joint resolution of the House (H. J. Res. 141) to authorize the Secretary of the Interior to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, Cherokee, and Seminole Indians of the Five Civilized Tribes entitled to share in the funds of said tribes, reported the same with amendment, accompanied by a report (No. 125), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 13120) to transfer a portion of Fort Clark Military Reservation to the State of Texas for a tuberculosis sanitarium, reported the same with amendment, accompanied by a report (No. 126), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 10652) to authorize the counties of Yell and Conway to construct a bridge across the Petit Jean River, reported the



same without amendment, accompanied by a report (No. 123), which said bill and report were referred to the House Calendar.

Mr. ROBINSON, from the Committee on the Public Lands, to which was referred the joint resolution of the House (H. J. Res. 142) to declare and make certain the authority of the Attorney General to begin and maintain and of the circuit court to entertain and decide a suit or suits for the purpose of having judicially declared a forfeiture of the rights granted by the act entitled "An act granting to the Washington Improvement & Development Co. a right of way through the Colville Indian Reservation, in the State of Washington," approved June 4, 1898, reported the same without amendment, accompanied by a report (No. 122), which said resolution and report were referred to the House Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 13134) granting a pension to Woodson O. Angel; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 8719) granting an increase of pension to Michael J. Meehan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. COX of Indiana: A bill (H. R. 13314) to amend section 23 of an act to regulate commerce, approved March 3, 1909; to the Committee on Interstate and Foreign Commerce.

By Mr. BURKE of Wisconsin: A bill (H. R. 13315) authorizing the Secretary of War to donate to the city of Beaver Dam, Wis., two bronze or brass cannon or field pieces; to the Committee on Military Affairs.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 13316) to confer concurrent jurisdiction on the police court of the District of Columbia in certain cases; to the Committee on the District of Columbia.

By Mr. HILL: A bill (H. R. 13317) providing for a survey of the harbor at Norwalk, Conn.; to the Committee on Rivers and Harbors.

By Mr. CARTER: A bill (H. R. 13318) providing for the sale of the surface of the segregated mineral lands in Oklahoma and distribution of the proceeds thereof; to the Committee on Indian Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 13319) authorizing an appropriation of \$100,000 to defray the expenses of the Ohio-Columbus centennial celebration, to be held on August 27, 1912, and continuing two weeks thereafter; to the Committee on Appropriations.

By Mr. HAMMOND: Joint resolution (H. J. Res. 144) relating to administration of the funds and property of the Chipewya Indians; to the Committee on Indian Affairs.

By Mr. MICHAEL E. DRISCOLL: Joint resolution (H. J. Res. 145) directing the Secretary of the Navy to commission a warship to convey the remains of Theodore Ruggles Timby from the city of Brooklyn, N. Y., to the city of Washington, D. C., on the 12th of October, 1911, for burial in the city of Washington; to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. GOEKE: A bill (H. R. 13320) granting a pension to Franklin Lecklider; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13321) granting a pension to Margaret A. Hageman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13322) granting a pension to Edward J. Hummel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13323) granting an increase of pension to Wesley Z. Lewis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13324) granting an increase of pension to William H. Youant; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13325) granting an increase of pension to Elisha R. Freeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13326) granting an increase of pension to A. P. O'Dell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13327) granting an increase of pension to Solomon R. Beam; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13328) to remove the charge of desertion from the record of Frederick Duvall; to the Committee on Military Affairs.

Also, a bill (H. R. 13329) to remove the charge of desertion from the record of Harvey S. Miller; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 13330) granting an increase of pension to Frederick Metzger; to the Committee on Invalid Pensions.

By Mr. GRAY: A bill (H. R. 13331) granting a pension to Myranda Rogers; to the Committee on Pensions.

Also, a bill (H. R. 13332) granting an increase of pension to Susan Jenkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13333) granting an increase of pension to Isaac M. Sheaffer; to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13334) granting a pension to Nancy Bowman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13335) granting a pension to Martin L. Holt; to the Committee on Pensions.

Also, a bill (H. R. 13336) granting a pension to William P. Beasley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13337) granting a pension to W. K. Fugate; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13338) granting an increase of pension to Young G. Redmond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13339) granting arrears of pension to Wilson Bray; to the Committee on Invalid Pensions.

By Mr. KINDRED: A bill (H. R. 13340) granting an increase of pension to Harry Karslake; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 13341) granting an increase of pension to M. S. Carlisle; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 13342) granting a pension to Samuel Moser; to the Committee on Invalid Pensions.

By Mr. SAMUEL W. SMITH: A bill (H. R. 13343) granting a pension to Dora Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13344) granting an increase of pension to Charles H. Lockwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13345) granting a pension to John Swab; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13346) granting a pension to Lyman A. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13347) granting a pension to William J. Fraser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13348) granting an increase of pension to C. Feckenschner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13349) granting an increase of pension to Franklin McCollom; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13350) granting an increase of pension to H. F. Daniels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13351) granting a pension to Charles L. Collier; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13352) to correct the military record of Joseph B. Ellis; to the Committee on Military Affairs.

Also, a bill (H. R. 13353) granting a pension to Leonard Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13354) to correct the military record of William Nicholson; to the Committee on Military Affairs.

Also, a bill (H. R. 13355) granting an increase of pension to Gideon Sturgis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13356) granting an increase of pension to Amos Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13357) granting an increase of pension to George Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13358) granting an increase of pension to D. J. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13359) granting an increase of pension to Mrs. E. H. Esselstyn; to the Committee on Pensions.

Also, a bill (H. R. 13360) granting an increase of pension to Joseph D. Beaubien; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13361) granting an increase of pension to Charles W. Holt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13362) granting an increase of pension to Moses C. Carr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13363) to correct the military record of Henry Duchine; to the Committee on Military Affairs.

Also, a bill (H. R. 13364) granting an increase of pension to Elnathan Beebe; to the Committee on Invalid Pensions.

Also, a bill (H. R. 13365) granting an increase of pension to Catherine D. Banerly; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 13366) granting an increase of pension to Henry C. Hatcher; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Resolution of the Christian Endeavor Local Union of Tulsa, Okla., in favor of legislation to prohibit the shipment of liquor into prohibition States; to the Committee on Alcoholic Liquor Traffic.

By Mr. ASHBROOK: Petition of Adam Shade, of Harrisburg, Pa., asking for the passage of a general pension bill; to the Committee on Pensions.

By Mr. DYER: Papers to accompany bill granting a pension to Catherine Hudson; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Arizona Woolgrowers' Association, in opposition to all bills proposing to reduce the tariff on wool and meats until the Tariff Board makes its report; to the Committee on Ways and Means.

Also, petition of citizens of La Salle, Ill., for the creation of a national board of health; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYES: Petition of George J. Pettit and 17 other residents of San Francisco, Cal., urging the passage of the Davis bill providing for an increase in salary for the underpaid Government employees throughout the United States; to the Committee on Reform in the Civil Service.

By Mr. PADGETT: Papers to accompany bill granting an increase of pension to M. S. Carlisle; to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: Petition of the Southern Illinois Millers' Association, protesting against admitting flour free; to the Committee on Ways and Means.

## SENATE.

MONDAY, August 7, 1911.

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of the proceedings of Saturday last was read and approved.

## ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 2983) for the apportionment of Representatives in Congress among the several States under the Thirteenth Census, which had heretofore been signed by the Speaker of the House of Representatives.

## PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of District Grand Lodge, No. 2, Independent Order of B'nai B'rith, of Cincinnati, Ohio, remonstrating against the treatment accorded American citizens in Russia, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Hartford, Kans., remonstrating against the establishment of a rural parcels-post system, which was referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a petition of the Rhode Island Quarterly Meeting of Friends, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which was referred to the Committee on Foreign Relations.

Mr. CRANE (for Mr. LODGE) presented a petition of the Press Association of the State of Massachusetts and a petition of the Rhode Island Society of Friends, praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

Mr. PERKINS presented petitions of the Chamber of Commerce of San Francisco, the Commercial Club of Santa Barbara, the Chamber of Commerce of Sacramento, the Humboldt Chamber of Commerce of Eureka, the Chamber of Commerce of Riverside, the Chamber of Commerce of Oakland, the Board of Trade of Pasadena, and the Chamber of Commerce of Los Angeles, all in the State of California, and of the World Peace Foundation and the Business Men's Association of Salem, N. J., praying for the ratification of the proposed treaties of arbitration between the United States, Great Britain, and France, which were referred to the Committee on Foreign Relations.

Mr. ROOT presented 100 petitions of citizens of Brooklyn, N. Y., and 88 petitions of citizens of New York City, N. Y., praying for the repeal of the duty on lemons, which were ordered to lie on the table.

## RECLAMATION OF THE EVERGLADES OF FLORIDA.

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 130, S. Doc. 89), which was considered by unanimous consent and agreed to:

*Resolved*, That there be printed as a public document, under the direction of the Joint Committee on Printing, a compilation of acts, reports, and other papers, State and national, relating to the reclamation of the Everglades of the State of Florida, with accompanying illustrations.

## BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 3175) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration.

By Mr. RAYNER:

A bill (S. 3176) granting a pension to Carolyn V. Maucha (with accompanying paper); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 3177) granting an increase of pension to Felix Defin (with accompanying papers); to the Committee on Pensions.

## NEW MEXICO AND ARIZONA.

The VICE PRESIDENT. The morning business is closed. The Chair lays before the Senate, under the order heretofore made, House joint resolution 14.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (H. J. Res. 14) to admit the Territories of New Mexico and Arizona as States into the Union upon an equal footing with the original States.

Mr. NELSON. I offered to the joint resolution an amendment in the form of a substitute. I now wish to modify the substitute. On page 3, line 4, after the first word "That," strike out the words "within 30 days" and insert "immediately." I offer it in that form, so that it will read:

That immediately after the passage of this resolution, etc.

The VICE PRESIDENT. The Senator from Minnesota modifies his amendment. The modification will be stated.

The SECRETARY. On page 3, line 4, strike out, after the word "That," the words "within 30 days" and insert in lieu the word "immediately," so as to read:

That immediately after the passage of this resolution and its approval by the President the President shall certify the fact to the governor of Arizona, etc.

The VICE PRESIDENT. The substitute will be so modified. The substitute has already been read to the Senate.

Mr. NELSON. I shall later on ask leave to address the Senate on the subject of the substitute.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Minnesota [Mr. NELSON] as a substitute.

Mr. BRISTOW. As I understand it, the question is on an amendment to the substitute, which the Senator from Minnesota has offered.

The VICE PRESIDENT. No; the question is on agreeing to the amendment. The Senator from Minnesota has a right to modify it, the substitute not having been acted upon. He has simply made a modification.

Mr. STONE. May I inquire if it is the so-called Nelson amendment which is now before the Senate?

The VICE PRESIDENT. The Nelson amendment is now before the Senate.

Mr. NELSON. And I modified my own amendment by striking out the words "within 30 days" and inserting "immediately," which I had a right to do.

The VICE PRESIDENT. Certainly. The Secretary will again state the modification.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Cullom	Myers	Smoot
Borah	Dillingham	Nelson	Stephenson
Brandegee	Foster	O'Gorman	Stone
Bristow	Gamble	Overman	Swanson
Brown	Gronna	Owen	Taylor
Bryan	Gugenhelm	Page	Thornton
Burnham	Heyburn	Perkins	Warren
Chamberlain	Johnson, Me.	Polindexter	Watson
Chilton	Kern	Reed	Wetmore
Clapp	Lippitt	Richardson	Williams
Crane	Martin, Va.	Root	Works
Crawford	Martine, N. J.	Smith, Mich.	

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. A quorum of the Senate is present.